

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
THIRD
EXTRAORDINARY
SESSION OF 1983

**HELD IN THE CITY OF MONTGOMERY,
COMMENCING TUESDAY, NOVEMBER 15, 1983**



**WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE**

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
THIRD EXTRAORDINARY SESSION
OF 1983

FIRST DAY

House of Representatives
Montgomery, Alabama
Tuesday, November 15, 1983

BE IT REMEMBERED, that on the fifteenth day of November, 1983, His Excellency, George C. Wallace Governor, of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows, to-wit:

STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS, there exists an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122, of the Constitution of Alabama, 1901:

NOW, THEREFORE, I, George C. Wallace, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the seat of government, State Capitol, in Montgomery, Alabama, at 4:00 p.m., on Tuesday, November 15, 1983, and I do hereby designate the following subjects and matters, which I as Governor deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Each House of the Legislature shall consider whether or not they deem it appropriate to reorganize and, if either house deems it appropriate to reorganize, then said House or Senate, as the case may be, shall reorganize according to their respective rules.

2. Legislation to allocate funds currently on hand or expected to be received by the State and available for allocation in the near future. It being contemplated that this allocation of funds will be made to solve the emergency situation which exists in the areas of prisons, prison overcrowding, state prisoners in county jails, and housing of the criminally insane or those found not guilty by reason of insanity. Said appropriations may be absolute or conditional, according to the availability of funds. To consider general matters relating to prisons and prison funding and prison overcrowding, as deemed appropriate by the Legislature.

3. Legislation to appropriate additional funding necessary for the

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completion of the proposed renovation project for the state capitol building in Montgomery, Alabama.

4. Legislation, for the appropriation of necessary funds for the payment of special election expenses incurred as a result of the special general legislative elections ordered by the federal courts, for the payment of newspaper publication expenses relating to constitutional amendments, legislation for allocation of the necessary monies for the State's expenses in carrying out the presidential primary election in 1984, and legislation for the allocation of monies for the payment of the contempt of court fine which is currently assessed against Attorney General Graddick.

5. To consider matters of local legislation.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State, at the capitol, in the City of Montgomery, on this the 14th day of November, 1983.

GEORGE C. WALLACE,
Governor.

ATTEST:

DON SIEGELMAN
SECRETARY OF STATE

In pursuance whereof, at the hour of 4 o'clock p.m., on Tuesday the fifteenth day of November, the Representatives in the legislature of Alabama assembled in the Hall of the House of Representatives.

PRAYER

The session was opened with prayer by Bennett I. Huguen, Jr., Department Chaplin, The American Legion, Department of Alabama, Andalusia, Alabama.

STATE OF ALABAMA

I, Don Siegelman, Secretary of State of the State of Alabama, do hereby certify that it appears from the returns of the election held on November 8, 1983, received in this office in accordance with law, that the following named persons were elected to the State House of Representatives for a term ending in 1986, from the One Hundred Five Districts as follows:

District No. 1, Nelson R. Starkey, Jr.

District No. 2, Tom Coburn

District No. 3, J. W. (Joe) Goodwin

District No. 4, Denzel L. Clark

District No. 5, Tommy Carter

District No. 6, Tom Butler

District No. 7, Roger D. Dutton

District No. 8, Charles B. Martin

District No. 9, Paul Parker

District No. 10, Morris J. Brooks, Jr.

District No. 11, Tom Drake

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District No. 12, W. C. "Bill" Bowling
District No. 13, Tom Nicholson
District No. 14, Carl C. Brakefield
District No. 15, Earl Mitchell
District No. 16, Max Newman
District No. 17, Jack B. Lauderdale
District No. 18, Charlie Britnell
District No. 19, George Grayson
District No. 20, Steve Hettinger
District No. 21, Robert E. Albright
District No. 22, Albert Hall
District No. 23, Ben T. Richardson
District No. 24, Ralph Burke
District No. 25, Loyd Coleman
District No. 26, T. Euclid Rains
District No. 27, Bob Harvey
District No. 28, Joe Ford
District No. 29, June Bugg
District No. 30, Bobby M. Junkins
District No. 31, Jack B. Venable
District No. 32, Jim Preuitt
District No. 33, Ron Johnson
District No. 34, Glen Browder
District No. 35, Bobby C. Crow
District No. 36, James M. Campbell
District No. 37, Richard Laird
District No. 38, Bill Fuller
District No. 39, Richard J. Lindsey
District No. 40, John F. Tanner
District No. 41, Sonny Moore
District No. 42, A. J. Blake
District No. 43, Jack Biddle, III
District No. 44, Arthur Payne
District No. 45, Billy Gray
District No. 46, Spencer Bachus
District No. 47, George G. Seibels, Jr.

District No. 48, Greg Beers
District No. 49, Jack Pratt
District No. 50, Hugh Boles
District No. 51, Hoyt W. Trammell
District No. 52, John W. Rogers
District No. 53, Fred Horn
District No. 54, George Perdue
District No. 55, Gary White
District No. 56, Bobbie W. G. McDowell
District No. 57, Chris McNair
District No. 58, Pat Davis
District No. 59, Lewis G. Spratt
District No. 60, Sundra E. Escott
District No. 61, Bryant Melton, Jr.
District No. 62, Phil Poole
District No. 63, Roy Johnson
District No. 64, J. E. (Jimmy) Warren
District No. 65, Michael Onderdonk
District No. 66, Harrell Blakeney
District No. 67, Lucius Black, Sr.
District No. 68, Jenkins Bryant, Jr.
District No. 69, James Louis Thomas
District No. 70, W. F. "Noopie" Cosby, Jr.
District No. 71, Ed Grouby
District No. 72, Curtis Smith
District No. 73, Perry O. Hooper, Jr.
District No. 74, Bob McKee
District No. 75, John Starr, Jr.
District No. 76, Mike Mikell
District No. 77, John L. Buskey
District No. 78, Alvin Holmes
District No. 79, Pete Turnham
District No. 80, John Rice
District No. 81, Lester White
District No. 82, Thomas Reed
District No. 83, Charles Adams

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District No. 84, James S. (Jimmy) Clark

District No. 85, George H. Grimsley

District No. 86, Joe Carothers, Jr.

District No. 87, Nathan Mathis

District No. 88, James G. Sasser

District No. 89, Steve Flowers

District No. 90, Dwight Faulk

District No. 91, Jimmy W. Holley

District No. 92, Seth Hammett

District No. 93, F. P. "Skippy" White

District No. 94, Walter E. Penry, Jr.

District No. 95, Steve McMillan

District No. 96, Mike Box

District No. 97, Mary S. Zoghby

District No. 98, William "Bill" Clark

District No. 99, James E. Buskey

District No. 100, Victor Gaston

District No. 101, Ken Kvalheim

District No. 102, J. E. Turner

District No. 103, Yvonne Kennedy

District No. 104, Beth Marietta

District No. 105, Taylor Harper

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Alabama, at the Capitol, City of Montgomery, on this day.

November 15th, 1983

DON SIEGELMAN
Secretary of State

OATH OF OFFICE

The oath of office prescribed by the Constitution of the State of Alabama was administered to the above Representatives-elect by the Honorable C. C. Torbert, Chief Justice, Alabama Supreme Court.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston,

Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Zoghby.

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A quorum was present.

MOTION TO ORGANIZE HOUSE ADOPTED

Rep. Johnson (Roy) moved that the House organize itself at this time, and the motion was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,
Secretary.

ELECTION OF OFFICERS

Former Speaker Pro Tem Roy Johnson presided over the election of the Speaker of the House of Representatives.

Rep. Tom C. Coburn of Colbert County placed in nomination for Speaker of the House of Representatives, Honorable Tom Drake of Cullman and Morgan Counties, which was seconded by Rep. James S. Clark of Barbour and Russell Counties, Rep. Yvonne Kennedy of Mobile County and Rep. Walter E. Penry, Jr. of Baldwin County. Rep. J. E. Turner moved that nominations be closed, and the motion was adopted.

Honorable Drake, having received 104 of the votes cast, which is the entire membership of the House of Representatives, was declared duly and constitutionally elected Speaker of the House of Representatives for the term prescribed by law.

OATH OF OFFICE

The oath of office prescribed by the Constitution of the State of Alabama was then administered to Honorable Tom Drake by Judge Newton Powell, retired.

ELECTION OF SPEAKER PRO TEMPORE

Rep. Jimmy W. Holley of Coffee County placed in nomination for Speaker Pro Tempore of the House, Rep. Roy W. Johnson, Jr. of Tuscaloosa County which was seconded by Rep. Alvin Holmes of Montgomery County. Rep. J. E. Turner moved the nominations be closed and the motion was adopted.

Rep. Johnson was elected by acclamation.

OATH OF OFFICE

The oath of office prescribed by the Constitution of the State of Alabama was then administered to Honorable Roy W. Johnson, Jr. by Honorable C. C. Torbert, Chief Justice, Alabama Supreme Court.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following be adopted as the permanent Rules of the House.

GENERAL RULES OF ORDER AND PROCEDURE

Rule 1. The doorkeeper shall on meeting days, one hour before the session begins, clear the House of all persons not entitled to the floor. The doors of the House shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of the House while the same is in session, except members of the Legislature, the officers and employees of the two Houses, the Governor and his secretary, representatives of the press who shall be placed by the Clerk of the House, the Chief Examiner and employees of the Department of Examiners of Public Accounts, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that on the first legislative day of any regular or special session the families of the members of the House shall have the privilege of the floor, for that legislative day only.

(1) When former members are on the floor of the House, they shall not be engaged in any lobbying activities.

(2) For the purpose of this Rule, "press" means news gathering media or general news and not any trade or association.

(3) This rule shall be enforced by the Clerk of the House with or without the suggestion of any member of the House.

Rule 2. The Speaker shall take the Chair every day at the hour fixed on the preceding adjournment. He shall immediately call the members to order, and on the appearance of a quorum cause the journal of the preceding day to be read.

Rule 3. No motion shall be deemed in order to admit any person, within the doors of the House to present any petition, memorial, or address, or to have any such read.

Rule 4. The presiding officer of the House alone shall introduce visitors in the House gallery. Such introduction shall be made at the request of any House member, but shall be made only at such time as not to interrupt or disturb the orderly transaction of the business of the House.

Rule 5. The order of business in the House shall be:

(1) Report of the Committee on Rules

(2) Reports of other standing committees of bills or resolutions, which shall be forthwith read by their titles a second time. In the call of committees the Speaker shall call them in their order. If the Speaker does not finish the call of committees before the House passes to other business, he

shall resume on the next call where he left off.

(3) The call of districts in numerical order for the introduction of bills, resolutions, memorials, and petitions, provided, however, that no bills other than local bills that have been advertised or general bills of local application shall be introduced in the House during a regular session after the House adjourns on the 24th legislative day. If the call has not been completed by 12:00 P.M. the Speaker shall resume the next day.

(4) Whenever any message is received notifying the House of the passage of Senate bills, the Clerk shall, immediately after the message is read, proceed to read the bills by title, unless the reading at length be called for by some member, in which event the bills shall be read at length and referred forthwith to a committee. The House shall then proceed with the business upon which it was engaged when the message was received. During a regular session, no bill that has originated in the House, except advertised local bills and general bills of local application, shall be sent to the Senate for its first reading after the Senate adjourns on the 26th legislative day. Provided further, that the House shall not consider a House bill which is amended in the Senate unless said bill is received from the Senate before the House adjourns on the 29th legislative day.

(5) In special sessions of the legislature which last more than five legislative days, no House Bill which is amended by the Senate shall be received by the House after the next to the last legislative day of the special session.

(6) The unfinished business in which the House was engaged at its last adjournment.

When the hour of 12 Noon arrives, or before that hour if the call of the districts has been completed, business shall proceed in the following manner:

(7) Executive messages shall have priority over other business, and as soon as they are received they shall be read by the Clerk and a proper disposition made of them; and the House shall thereupon proceed with the business engaged in when interrupted by the message.

(8) Bills and resolutions on the calendar shall be taken up at 1 P.M. on each day, unless reached earlier; and no bill or resolution on the calendar shall be taken up out of its order.

(9) No motion to carry over all bills on the calendar to reach a certain bill shall be in order unless the rules are suspended.

(10) Miscellaneous business.

Rule 6. The rules of the House shall not be suspended except by a four-fifths vote of a quorum present and voting.

Rule 7. No rule shall be rescinded or amended without one day's written notice of the motion thereof being given to all members of the House of Representatives by placing such notice in each member's House mailbox, and filed with the Clerk of the House. All proposed rule changes shall be included on the calendar of the House on the next legislative day.

Rule 8. Any matter may, by a vote of a majority of the members present, be made the special order for any hour, which shall take precedence at that hour of any other business except a motion to reconsider. Provided, that a motion to make a bill or resolution a special order shall give the number of the bill or resolution. And provided further, that no bill or reso-

lution shall be set for a special order or consideration except by a resolution reported from the Committee on Rules. And provided further, that any resolution from the Committee on Rules may be amended on the floor of the House by a vote of a majority of the members present and voting.

Rule 9. Upon the introduction of a bill the same shall be read by its title only, unless a reading at length be called for by some member, in which event it shall be read at length; and upon such reading, the bill shall be referred to a standing committee.

Rule 10. Every bill including proposed Constitutional amendments shall, on its first reading, be referred to a standing committee, but the reference to one committee shall not preclude a recommitment to another; and on recommitment the bill shall be open to amendment.

Rule 11. The total number of votes necessary for the passage in the House of Representatives of any bill, resolution or otherwise in which the U. S. Constitution is to be amended or altered shall be no less than the number of votes necessary to amend the Constitution of the State of Alabama.

Rule 12. All bills shall be dispatched in the order in which they are introduced, unless the House otherwise directs.

Rule 13. No bill or joint resolution shall be received unless it is written on an entire sheet of paper, and if funding be involved, a statement of the source of the funding is included in the synopsis to the bill.

Rule 14. When a motion is made it shall be stated by the Speaker; or if it is in writing it shall be read aloud by the Clerk. Every motion shall be reduced to writing if the Speaker or any member requests it.

Rule 15. After a motion is stated by the Speaker or read by the Clerk, it shall be deemed in possession of the House, but it may be withdrawn by leave of the House at any time before a vote is taken thereon.

Rule 16. Motions may be received in the following order when a question is before the House, to-wit: First, to fix the time to which the House shall adjourn; second, to adjourn; third, to indefinitely postpone; fourth, to lay on the table; fifth, the previous question; sixth, to postpone to a certain day, not beyond the probable duration of the session; seventh, to commit; eighth, to amend.

Rule 17. When any motion, bill, or other matters are before the House, it will not be in order to Entertain a substitute motion for the passage of a bill, resolution or other matters before the House.

Rule 18. A motion to adjourn shall always be in order, even in the absence of a quorum.

Rule 19. The previous question shall be in the following form: "Shall the main question be now put?" If demanded by a vote of a majority of the members present, its effect shall be to cut off all debate and bring the House to a direct vote, first upon the pending amendments, if there be any, in their order, and then on the main question; but the mover of the question or the chairman of the committee having charge of the bill or resolution shall have the right to close the debate after the call of the previous question has been sustained, for not more than ten minutes.

Rule 20. Bills, motions, and reports may be recommitted at the pleasure of the House.

Rule 21. The tabling of an amendment or subsidiary motion shall not

have the effect of carrying with it the original proposition.

Rule 22. When a bill is reported favorably to the House and a minority report accompanies the favorable report, the minority report shall be considered an amendment and the bill shall be read a second time; and said bill and minority report shall be placed on the calendar and be considered on the third reading of the bill.

Rule 23. When the principal Alabama Special Educational Trust Fund Appropriation Bill and the principal General Fund Appropriation Bill are before the House for debate on third reading, before any vote is taken on either of such bills, there shall be provided time for discussion by the members of the House on the House floor. During the discussion, the chairman of the Ways and Means Committee, assisted by the legislative Budget Officer and State Budget Officer, who shall, when needed have privilege of the floor; when requested by a member of the House shall explain the bill or those pages or items as per request of the House member. When any changes in either of such bills are offered either by the Senate, by Executive Amendment or by conference Committee report there shall also be provided time for discussion by the members of the House on the House floor.

Rule 24. In all future appropriations involving the Special Education Trust Fund and the General Fund of the State of Alabama in which the Legislative Fiscal Officer and the State Budget Director project that less than twenty million dollars in the Special Education Trust Fund and five million dollars in the General Fund are on hand, excluding the amounts necessary to pay the outstanding bills against the Special Education Trust Fund and General Fund, no appropriation bill will be passed of any nature involving the Special Education Trust Fund or the General Fund, unless such bill is accompanied by a bill for raising revenue in the amount or exceeding the amount to be expended; such revenue bill must be passed before the appropriation bills is passed.

Rule 25. Any member may call for a division of the question when the sense of the proposition will admit it.

Rule 26. No member shall speak more than ten minutes at any time, except as provided in Rule 36.

Rule 27. When the ayes and nays are desired, the Speaker shall be first called, and if the House be equally divided, the question shall be lost.

Rule 28. When a vote has been announced by the Speaker — except on a previous question, or on a motion to lay on the table, or to take from the table — it shall be in order for any member who voted with the prevailing side to move for a reconsideration thereof, Provided, that the motion is made on the same day, or by filing a written motion with the Clerk within one hour after reading the Journal on the succeeding day. Such motion shall be considered forthwith after disposition of any business then before the House or any business taking precedence thereto, unless by a majority vote the same be fixed for consideration at another time. When a motion for reconsideration is decided that decision shall not be reconsidered and no question shall be twice reconsidered. Provided, that a motion to reconsider a vote upon any incidental or subsidiary question shall not remove the main subject under consideration from the House.

Rule 29. No member shall be permitted to explain his vote after a vote has been ordered upon any question except by unanimous consent.

Rule 30. When taking the yeas and nays the electrical roll call system

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may be used, and when so used, it shall have the same force and effect as a roll call taken viva voce.

When the House is ready to vote upon any question requiring a roll call and the vote is to be taken by the electrical roll call system, the Speaker shall announce: "The question is on (designating the matter to be voted upon). All in favor of such question shall vote 'yea', all opposed, 'nay'. The House will now proceed to vote."

The Clerk immediately shall start the vote-recording equipment and when every member has voted, he shall lock the machine, record the vote, and advise the Speaker of the result; the Speaker shall announce the vote to the House.

Any member shall be privileged to vote or change his vote after the vote-recording equipment has started to operate, by rising in his seat and announcing his vote before the result of the vote has been announced by the Speaker.

No member shall vote for another member; nor shall any person not a member cast a vote for a member. In addition to such penalties as may be prescribed by law, any member who votes or attempts to vote for another member may be punished in such manner as the House may determine. If a person not a member votes or attempts to vote for any member, he shall be barred from the floor of the House for the remainder of the session, and he may be punished further in such manner as the House may deem proper.

Rule 31. When any person sitting in the balcony attempts to attract the attention of any one on the floor by word, deed or otherwise or when any person in the balcony makes gestures to attract attention from the floor and by his conduct commits any other action deemed by the Speaker to be detrimental to the orderly business of the House, such person shall be ousted from the balcony.

Rule 31a. Any bill providing for a dealing with pari-mutuel betting shall be treated as a general bill.

RULES RELATING TO MEMBERS OF THE HOUSE

Rule 32. No member shall absent himself from the sessions of the House, unless he may have leave, be sick, or unable to attend.

No male member of the House or any person who has privileges of the floor, except television cameramen, shall be admitted upon the floor of the House while the House is in session unless properly attired. Minimum standards of dress shall consist of the wearing of a coat and tie.

No female member of the House or any other female who has privileges of the floor, except television cameramen, shall be admitted upon the floor of the House while the House is in session unless properly attired. Minimum standards of attire shall consist of the wearing of a suitable dress or an appropriate blouse and skirt or pants suit.

Minimum attire for pages shall be leisure suit and shirt for boys and slack suit for girls.

Rule 33. Fifteen members shall have power to send for absent members or to move a call of the House, but no call of the House shall be made except on the concurrence of a majority of the members present. A majority of the House shall be a quorum to transact business. If those who vote are sufficient in number to show that a majority constituting a quorum so acted,

those who thus voted only shall be counted as constituting the House for the purpose of that vote; but when any question is put to the House, and a quorum is not recorded as voting, the Speaker shall, before announcing the vote, on his own motion or on suggestion of any member of the House, instruct the Clerk to record as present a sufficient number of those members physically present in the House to constitute a quorum, though all present are not participating.

Rule 34. Members shall particularly forbear personal reflections, and no member shall name another in argument or debate.

When any member is about to speak or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker.

Rule 35. When microphones are attached to the individual desk of the Legislator, there must be a central panel for control of same. Before a microphone is activated by the person in charge of the microphones, the member must be recognized by the Speaker and upon recognition, his microphone is activated.

Rule 36. No member shall speak more than twice on the same question without leave of the House, unless he be the mover or chairman of the committee proposing the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

Rule 37. Upon the call of the House the names of members shall be called alphabetically and each member shall answer from his seat.

Rule 38. When a vote is taken by ayes and nays and a member who has been absent returns before the question is decided, he shall be privileged to make inquiry of the subject before the House and to record his vote without discussion.

Rule 39. If any member transgresses the rules, in speaking or otherwise, the Speaker shall, or any member may, call him to order, in which case the member called to order shall immediately sit down, unless he is allowed to explain; and the House shall, if appealed to, decide on the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case requires it, he shall be liable to censure.

RULES RELATING TO THE PRESIDING OFFICER

Rule 40. The Speaker shall preserve order and decorum. He may speak to points of order in preference to other members, rising from the Chair for that purpose. He shall decide questions of order, subject to an appeal to the House at the request of any member, which appeal shall be decided without debate.

Rule 41. The Speaker shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment, or he may designate a member as Speaker pro tem and the member so designated shall have and exercise all the powers and duties of Speaker for the time such member is acting as Speaker.

Rule 42. When two or more members rise at the same time, the Speaker shall name the person who is to speak first.

Rule 43. All questions shall be distinctly put in this form, viz: "Those

in favor (as the question may be) vote 'aye'," and after the Affirmative voice is expressed, "Those opposed to the motion vote 'no'." If the Speaker doubts, or if a division is called for before a decision is announced, the members shall divide; those for the affirmative of the question shall rise from their seats, and afterwards those in the negative.

Rule 44. The Speaker shall appoint all committees, unless otherwise directed by the House, and he may designate who shall be chairmen and vice-chairmen.

Rule 45. In appointing a committee from the several subdivisions of the State, the Speaker shall designate who shall be chairman of such committee.

Rule 46. After the House of Representatives has adjourned sine die at the end of any regular session, the Speaker is hereby authorized to rename the membership of each standing committee. Such constituted standing committees shall take effect at the next regular or special session or at the time of the assignment thereto.

RULES RELATING TO COMMITTEES

Rule 47. The following shall constitute the standing committees of the House:

- (1) Rules
- (2) Ways and Means
- (3) Judiciary
- (4) State Administration
- (5) Business and Labor
- (6) Health
- (7) Banking
- (8) Insurance
- (9) Education
- (10) Agriculture and Forestry
- (11) Natural Resources
- (12) Public Welfare
- (13) Constitution and Elections
- (14) Public Utilities and Transportation
- (15) Commerce and Industrial Development
- (16) Local Government
- (17) Military Affairs
- (18) Highway Safety
- (19) Small Business
- (20) Local Legislation No. 1
- (21) Local Legislation No. 2
- (22) Local Legislation No. 3

(23) Local Legislation No. 4

Rule 48. No committee shall sit during the sitting of the House without special leave.

Rule 49. Upon a vote of a majority of the whole House any standing committee may be directed to act on any bill which shall have been referred to such committee, and to report the same to the House at its next sitting, in default of which such committee, or any of its members, shall be subject to such censure as the House may impose. Provided, that one day's notice in writing shall have been given to the House immediately after the call of the districts.

Rule 50. When the chairman of a committee is absent, the vice-chairman, if any, if not the member whose name appears next on the committee, shall, during the absence of the chairman, become chairman, and have power to call together the committee for the consideration of bills. A majority of the committee shall constitute a quorum for the transaction of business provided, however, that this limitation shall not apply to uncontested local bills being considered by one of the local legislative committees.

Reasonable effort shall be made to notify all members when a meeting is called. A majority of the members of a committee may call a meeting of the committee at any time by giving each member a minimum of two (2) legislative days' notice and by posting on the Committee Announcement Board in the House Chamber a notice of such meeting. Such notice shall give the date, place and time of the meeting, shall be signed by each of the members so calling the meeting and the total number so signing shall be at least a majority of the whole membership of the committee. Such notice shall be posted at least two (2) legislative days in advance of the time set for the meeting.

Further, a committee may not take action on a bill except when said committee is in session, and this provision may not be waived by a majority signing petitions or other procedural documents.

Provided further that, as to bills relating only to Madison or Montgomery County, a majority of the members of the House representing portions of the respective county to which a particular bill relates shall constitute a quorum of the Legislation No. 4 Committee.

Rule 51. The Chairman of the standing committee on Local Legislation No. 1 shall be authorized to report any bill out of that committee without meeting of that committee if he has the unanimous consent of all committee members whose districts are affected thereby to do so. Any member of the committee may revoke his name from said consent list by presenting the chairman with a written request to have his name withdrawn from such list.

Rule 52. All resolutions shall be referred to and reported from the Committee on Rules before they are voted on.

All resolutions requiring an appropriation must be first referred to the Rules Committee and lay over one legislative day, provided, however, this rule shall not apply on the last legislative day of any regular or special legislative session.

Rule 53. No House Resolution or House Joint Resolution of congratulation, commendation or sympathy can be adopted except in the event of death or in the event that the person honored has accomplished something that is extraordinary and unusual.

Rule 54. When a committee has decided adversely to any bill or resolution, such action shall be endorsed thereon and said bill or resolution reported to the House and placed on the adverse calendar. Any member may, after one day's written notice, on the day named in said notice, after the call of the districts, move to take such bill or resolution from the adverse calendar, when the same may, by a vote of a majority of the entire House, be placed on the regular calendar.

Rule 55. Every bill the principal purpose of which is to make an appropriation shall be referred to the Committee on Ways and Means before being placed on the calendar. When any bill making an appropriation is previously referred to another committee and reported favorably, it may be re-referred to the Committee on Ways and Means, which shall act upon said bill and return the same to the House within two weeks. No provisions of this rule shall apply to local bills that do not affect state revenue.

Rule 56. No special committee, except a committee of inquiry, shall report but upon a leave granted by vote of the House. A committee of inquiry may report at any time.

Rule 57. The rules of procedure in the House shall be observed in Committees and Committee of the Whole as far as they may be applicable. Provided, that Rule 30 and the previous question rule shall not be applicable.

Rule 58. In forming a Committee of the Whole House, the Speaker shall leave the Chair and appoint a chairman to preside.

Rule 59. Upon a bill being committed to a Committee of the Whole House, the same shall be first read throughout by the Clerk, and then by clauses, leaving the preamble to be the last considered. After the report, the bill shall be subject to debate and amendment by clauses before the question of engrossing is taken.

Rule 60. Upon introduction it is required that the synopsis on general bills include a statement of the source of funding if funding is involved in the bill. Also, local bills affecting state revenue shall be included. If the provisions herein are not complied with, the Clerk shall not accept such bill for introduction.

Rule 61. In all bills that increase any state retirement benefits or any bill that adds to any existing state retirement fund, any group or individuals which are not currently covered by a retirement bill, such bill must be accompanied by a bill of which the principal purpose is to raise revenue to meet the additional expenses in the retirement program; such bill raising revenue must be passed before the retirement benefit bill is passed.

RULES RELATING TO THE CLERK AND THE JOURNAL

Rule 62. The name of a member who introduces a bill or joint resolution shall be by him endorsed upon the same, and shall be inscribed by the Clerk upon the engrossed and enrolled copies when transmitted to the Senate or the Governor.

Rule 63. The Clerk shall, upon introduction of a bill, immediately make a photo copy to be designated as a second official copy and to be used as a replacement in the event the original bill is lost, misplaced or destroyed.

Rule 64. When a bill passes it shall be certified by the Clerk, who

shall note the date of its passage at the foot thereof.

Rule 65. Communications from the House of Representatives to the Senate shall be under the signature of the Clerk. When House bills are signed by the Speaker, the Clerk must by message notify the Senate and request the signature of the President.

Rule 66. All bills acted upon by committees shall be endorsed as follows:

This bill having been referred by the House to its Standing Committee on _____ was acted upon by such committee in session and returned therefrom to the House with the recommendation that it be passed.

Rule 67. The Clerk shall furnish to the members daily a printed calendar of all bills and resolutions on third reading, which bills and resolutions shall be arranged in the order in which they are entitled to consideration.

Rule 68. The chairman of any committee may have a bill printed upon the filing of a request with the Clerk.

Rule 69. Every bill making an appropriation from the state treasury or increasing or decreasing state revenue shall, before any vote is taken thereon by a committee, have endorsed thereon or attached thereto a fiscal note prepared by a legislative fiscal officer estimating the amount of money involved, and the anticipated increase or decrease in public spending or the increase or decrease in revenue collections under the provisions of the bill. Said fiscal note shall be printed on the calendar of bills on third reading following the title of the bills.

Rule 70. There shall be printed on the calendar of bills on the third reading, immediately following the title of every bill which would amend a section or part of the Code by reference to its number only, a brief statement of the general subject to which such section or part of the Code relates. The Clerk of the House shall see to it that this rule is enforced.

Rule 71. Whenever the House calendar contains more than twenty-five pages, either the first or last page thereof shall have printed thereon a numerical list of all House bills and all Senate bills on the day's calendar with the number of the page on which the bill appears printed opposite the number of the bill.

Rule 72. The Clerk shall appoint a Reading Clerk for the House.

Rule 73. Whenever a substitute to a bill or resolution is not adopted, it shall be printed in the Journal by title only.

On motion of Rep. Johnson (Roy), the resolution, H. R. 1, was adopted.
Also:

By Rep. Johnson (Roy):

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the following be adopted as the Joint Rules of the Alabama Legislature.

JOINT RULES
OF THE TWO HOUSES OF THE LEGISLATURE OF
ALABAMA
1983

1. Messages from one house to the other shall take precedence over all

other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the Directors and employees of the department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however,

by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless: (1) the language to be deleted is ~~stricken through~~ and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8 ½" by 14" paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors in the balconies of each house are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon while in the House or Senate Chambers or any place on the second or third floor of the Capitol. This rule will not apply to employees of the two houses who are security officers.

RULES RELATING TO COMMITTEES

15. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate, to be appointed by the president of the Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate.

The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation, together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report, after which it may then consider accepting the minority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill _____ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B. __ is attached).

(Example: Amend H.B./S.B. __ as follows:)

Name

Name

Name

CONFEREES OF THE HOUSE

Name

Name

Name

CONFEREES OF THE SENATE

RULES RELATING TO LOBBYING

16. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

17. Method of Registration. Each calendar year every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interests, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided.

18. Registration Exception. Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Ala-

bama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

19. **Obligations of Lobbyist.** A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

20. **Rules Committee Advisory Opinions.** A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

21. **Penalties for Violations.** Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

22. **Secretary to Provide Forms.** The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

23. **Committees to be Diligent.** Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 2, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House of Representatives inform the Senate of Alabama that the House of Representatives has perfected its organization and elected its permanent officers and is now ready for the transaction of

public business; that he communicate to the Senate the names of the several officers elected by the House.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 3, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 4. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House of Representatives inform the Governor of Alabama that the House of Representatives has perfected its organization and elected its permanent officers; that he communicate to the Governor the names of the several officers elected by the House.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 4, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 5. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 5, was adopted.

NOTICE IN WRITING

Rep. Parker filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day, a new rule will be added to the Rules of the House. New Rule 39a to read as follows:

Rule 39a. Smoking in the House Chamber shall be prohibited from the time the House is cleared until the House is adjourned.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 6 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That a Committee consisting of seven members of the House, one from each Congressional District, be appointed by the Speaker of the House to assign seats to the several members of the House.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 6, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 7. CREATING A LEGISLATIVE PARKING COMMITTEE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE OF ALABAMA CONCURRING, That there is hereby created a joint committee to work with the Chief of Services, Department of Finance, in assigning parking places to members of the Legislature. Said committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the pre-

siding officer of the Senate.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 7, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 8. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 8, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Clark (J), Davis and Blake.

Also:

By Rep. Johnson (Roy):

H. J. R. 9. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:00 p.m. on Nov. 15, 1983 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution H. J. R. 9, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Clark (J), Davis and Blake.

Also:

By Rep. Johnson (Roy):

H. J. R. 10. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, November 15, 1983, we adjourn to meet again on Wednesday, November 16, 1983; Thursday, November 17, 1983; Monday, November 21, 1983; and Tuesday, November 22, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 10, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 11. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, November 15, 1983, we adjourn to meet again on Wednesday, November 16, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 11, was adopted.

Also:

By Rep. Boles:

H. J. R. 12. TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the Legislature shall be entitled to and shall be paid an additional thirty dollars (\$30.00) per diem for expenses incurred in the performance of his or her duties for the duration of any regular or special session of the Legislature. Such expense allowance shall be in addition to all other allowances and expenses heretofore provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the legislature shall be allowed an additional three hundred dollars (\$300.00) per month for expenses incurred in the performance of his or her duties, to be paid at the end of each month during his or her term.

BE IT FURTHER RESOLVED, That this order shall take effect upon the approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution.

On motion of Rep. Boles, the rules were suspended and the resolution, H. J. R. 12, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Flowers, Moore, Carothers, Johnson (RG) and Mitchell:

H. 1. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and § 34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Health.

By Rep. White (F):

H. 2. To amend Section 11-43-50, Code of Alabama 1975, so as to require that there shall be at least one regular meeting of the council, each month, in the towns of this state and to provide a procedure for additional regular meetings of the council, each month, at the option of the council of the town; to establish an effective date.

Local Government.

By Rep. Turnham:

H. 3. Relating to the Alabama Uniform Certificate of Title and Antitheft Act; to amend Section 32-8-41, Code of Alabama 1975, so as to eliminate the requirement of the state department of revenue to issue a non-transferable duplicate certificate of title for mailing to the owner to serve as a permit for the operation of a motor vehicle; and to amend Section 32-8-38, Code of Alabama 1975, so as to provide that the owner's permit copy of the application for certificate of title be retained by the owner as a nonnegotiable document as evidence of ownership and as a permit for the operation of a motor vehicle in order to eliminate the use of a form that duplicates the effects of another form.

Ways and Means.

By Rep. Turnham:

H. 4. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles; and to prescribe penalties for violations of this Act.

Ways and Means.

By Reps. Martin and Parker (With Notice and Proof):

H. 5. Relating to Morgan County; amending further Sections 3, 5, 7, 8, 9, 10, 13, 14 and 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), as amended, creating the Municipal Utilities Board of Decatur, so as to provide further for the organization, membership, administration and general operations of such board and the compensation of the members of such board and to repeal Sections 17 and 19 of said Act, as amended.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 5, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Seibels, Bachus, White (G) and Beers:

H. 6. To amend Section 11-50-234, Code of Alabama, 1975 relating to the Board of Directors of Water Works and Sewer Boards organized under the provisions of Division 1, Article 8, Chapter 50, Code of Alabama, 1975 so as to authorize the governing body of any municipality which has heretofore or hereafter authorized the creation of such a corporation to increase the board of directors of the corporation from three to five members, any provision of the Articles of Incorporation of such corporation to the contrary notwithstanding.

Local Government.

By Reps. Sasser and Turnham:

H. 7. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Ways and Means.

By Rep. Holley:

H. 8. To amend Section 40-17-143, Code of Alabama 1975, which requires motor carriers to post a security bond, so as to remove the general bonding requirements of interstate motor carriers; to authorize the department of revenue commissioner to require bonds in certain cases, and to provide for a one-time application fee and to provide for an effective date.

Ways and Means.

By Rep. Holley:

H. 9. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may abolish or create a civil service system or other personnel board; to continue all rights, interest and privileges which certain employees have in any civil service or merit system within any such municipality; to prescribe that the provisions of this act shall be construed in pari materia with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

State Administration.

By Rep. Holley:

H. 10. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

State Administration.

By Rep. Holley and Faulk:

H. 11. To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

Ways and Means.

By Rep. Holley:

H. 12. To amend §40-12-262, Code of Alabama 1975, relating to trip permits; and to require cab cards of international registration plan vehicles be present in the vehicle; to provide for temporary trip permits; to provide penalties for violations of this section.

State Administration.

By Reps. Moore and Tanner:

H. 13. To make a supplemental appropriation from the Special Education Trust Fund to the University of Montevallo for the expressed purpose of removing asbestos from buildings on the campus in which a recent study turned up the presence of asbestos.

Ways and Means.

By Rep. Faulk (With Notice and Proof):

H. 14. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Elec-

tion Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 14, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Faulk (With Notice and Proof):

H. 15. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 15, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Coburn:

H. 16. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for payment of Attorney General's fine as assessed by Federal Court; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

Ways and Means.

By Rep. Laird:

H. 17. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (b) to pay four-tenths of the road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (c) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain county facilities (as defined herein), to be secured by a pledge of (i) one-half of the said special ad valorem tax, (ii) four-tenths of said road,

bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, and (iii) such other taxes levied by Randolph County as the governing body of Randolph County shall determine; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternative method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

The above bill was read a first time at length as required by the Constitution.

Local Legislation No. 1.

By Reps. Adams, Laird, Blakeney, Rains, Penry, White (L), Harvey, Box, Sasser, Carter, Payne, Richardson, Grimsley, McMillan, Crow, Browder, Butler, Grouby, Bowling, Turner, Nicholson, Mitchell, Poole, Martin, Starkey, Rice, Cosby, Venable, Hammett, Johnson (RG), Dutton, Lindsey, Junkins, McKee, Goodwin, Trammell, Bachus, White (G), Holley and Preuitt:

H. 18. To provide that a convicted defendant in a misdemeanor case shall be required to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

Judiciary.

By Rep. Turnham:

H. 19. To amend Act No. 82-778, Second Special Session, 1982, which Act amended Section 16-13-31, Code of Alabama 1975, to correct the reference to the Code Section as stated therein, and to substitute the county board of education of each county of this state for the tax collector/revenue commissioner so as to require each county board of education to apportion the school funds among the proper school officials of the various county and city boards of education as directed by the State Superintendent of Education.

Ways and Means.

By Reps. Clark (J), and Campbell:

H. 20. To provide for a general statewide public referendum. This bill provides for a public referendum vote by all qualified electors of the State of Alabama, for the purpose of providing the Legislature with the "sense of the public" with regard to matters relating to the advisability or acceptability of additional revenue or taxation matters for the purpose of providing more and/or expanded correctional facilities.

Ways and Means.

By Rep. Moore:

H. 21. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

Ways and Means.

By Rep. Campbell:

H. 22. To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

Judiciary.

By Reps. Coleman and Rains:

H. 23. To reverse the numbers of House Districts 26 and 25 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

State Administration.

By Rep. Turnham:

H. 24. To make a supplemental appropriation from the general fund in the state treasury to the office of the secretary of state the fiscal year ending September 30, 1984.

Ways and Means.

By Rep. Turner:

H. 25. To ratify that certain overpayment by the state to certain municipalities or counties of certain oil and gas producing or severing privilege tax proceeds distributed pursuant to Section 40-20-8, Code of Alabama 1975, relating to such distribution, and to that certain Attorney General Opinion, dated August 19, 1980; and to specify legislative intent.

Ways and Means.

By Rep. Box:

H. 26. To re-open the State of Alabama Retirement Systems to municipal law enforcement officers for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be an active and contributing member of one of the State of Alabama Retirement Systems; and to provide for its termination.

Ways and Means.

By Reps. Venable and Mikell (With Notice and Proof):

H. 27. To amend Title 12-13-41, describing the duties of the Probate Judges generally, Code of Alabama 1975 so as to allow the Probate Judge of Elmore County, Alabama to have one general index book relative to transactions in the Probate Office of Elmore County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 27, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rains and Coleman:

H. 28. To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

State Administration.

By Rep. Rains:

H. 29. To amend section 16-33-4, Code of Alabama 1975, relating to the Educational Benefits for Dependents of Blind Parents so as to eliminate the family income monetary restrictions used to determine the dependents' eligibility for nonpayment of instructional tuition or fees.

Ways and Means.

COMMITTEE APPOINTED

In accordance with the resolution, H. R. 6 heretofore adopted, the Speaker appointed as a committee on Seating Reps. Campbell (chairman), Carter, Smith, Kennedy, Holley, Bowling and Boles.

COMMITTEE APPOINTED

In accordance with the resolution, H. J. R. 7 heretofore adopted, the Speaker appointed as a committee on Parking on the part of the House Reps. Trammell (vice-chairman), Goodwin and Blake.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Turner:

H. J. R. 13. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE IMPACT OF THE COMPLETION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House of Representatives to be appointed by the Speaker and four members of the Senate to be appointed by the Lieutenant Governor. The committee shall study all aspects of the impending completion of the Tennessee-Tombigbee Waterway including the impact that its completion shall have on the State of Alabama. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$7,500.

On motion of Rep. Turner the rules were suspended and the resolution, H. J. R. 13, was adopted.

Also:

By Reps. Seibels, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell,

Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 14. MOURNING THE DEATH OF SERGEANT REX W. WINCHESTER OF THE IRONDALE POLICE DEPARTMENT.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the tragic death of Sergeant Rex W. Winchester on July 12, 1983, at the age of just 54 years; and

WHEREAS, Sergeant Winchester, a veteran officer of some 15 years with the Irondale Police Department, was killed in the line of duty, the ultimate sacrifice of a heroic man in service to humanity; and

WHEREAS, Sergeant Winchester was a man possessed of quiet courage and one whose great strength was in his compassion for others, even in the face of foe; he was a very unique individual, made singular in his preference for seeking a peaceable solution to violence and through use of force only as a last resort; and

WHEREAS, it was this courage of conviction that thus led to his death and to a loss that is shared by all those throughout the State of Alabama, and our nation, who hold dear a citizen's right to a lawful and orderly society; and

WHEREAS, Sergeant Winchester's departmental records reveal a number of letters of commendation from grateful citizens; it is in the hearts of these people, his fellow officers and beloved family that his memory yet lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we give thanks for his life, we grievously mourn the death of Sergeant Rex W. Winchester and extend our most heartfelt sympathy to his wife, Mrs. Louise Winchester, and to their three children, to whom copies of this resolution shall be sent in expression of deepest regret.

BE IT FURTHER RESOLVED, That a copy of this resolution also be forwarded to the Police Department of the City of Irondale from whose ranks rose a hero larger than life itself.

On motion of Rep. Seibels, the rules were suspended and the resolution H. J. R. 14, was adopted.

Also:

By Reps. Moore, Tanner and Smith:

H. J. R. 15. COMMENDING THE MONTEVALLO HIGH SCHOOL FOOTBALL TEAM.

WHEREAS, the Montevallo High School Football Team has just concluded a very successful regular season with 9 wins and only 1 loss; and

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WHEREAS, the Bulldogs have won the Area 7 Championship of Class 2A with the right to play in the State Playoffs; and

WHEREAS, the team's head coach is Richard Gilliam with assistants Bobby Pierson, Kurt Pnazek, Brad Bensinger, and Tony Berry; and

WHEREAS, the team members are: Terry Rutledge, Jimmy Sailes, Andy Chism, Ricky Gaddis, Antonio Devould, Taylor Blackwell, Andy Anderson, Trey Hughes, Bill Devinner, Jeff Chism, Rodney Tolbert, Dwayne Jackson, Kevin Lacey, Jeff Gentry, Quintem Chism, Barry Worthy, John Mayhall, Andy Brindley, Mike Jones, Clyde Sailes, Norman Payne, Jackie Pickett, Charles Towner, James Lucas, Bob Peete, Kevin Staffney, Johnny Holsombeck, Lonnie Layton, Jim Wade, Paul Bush, Anthony Prentice, Freeman Rutledge, Steve Spear, Rick Dobson, Doug Compton, Sean Roberts, Mark Gilbert, Keith Moore, Lionel Green, Tommy Layton. The managers are: Jeffrey Smitherman, Benjamin Gaddis, Robert Earl Ross, Jonathan Bates, and Charles Devinner. The student assistant coach is J. J. Moore.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Montevallo High School Bulldogs, Principal Norman Payne, the faculty and students, especially the Cheerleaders and the Marching Troubadours, be commended for their excellent regular season play and best wishes in the state playoffs.

BE IT FURTHER RESOLVED that copies of this resolution be presented to Mr. Norman Payne, Principal, Montevallo High School; Mr. Ellie Glasscox, Superintendent of Education, Shelby County; and to Coach Richard Gilliam.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 15, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. White (L):

H. R. 16. COMMENDING MR. AND MRS. AUDREY HOUSTON SANDERS OF LAFAYETTE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Rep. Nicholson:

H. J. R. 17. HONORING DR. W.E. BIRDSONG OF JASPER, ALABAMA.

WHEREAS, the legislature of Alabama has noted, with pleasure, Dr. W.E. Birdsong's election as President of Alabama Chapter of the American Academy of Family practice by his colleagues; and

WHEREAS, Dr. Birdsong has previously served with distinction within his professional organizations including the Walker County Medical Association, American Medical Association and American Academy of Family Practice; and

WHEREAS, he established his family practice in Jasper in 1965 and during the past 18 years has devoted 24 hours a day and seven days a week treating his patients for all illnesses and without thought as to their ability to pay; and

WHEREAS, Jasper's beloved Dr. Birdsong is a compassionate physician who is dedicated to his profession, sensitive to the needs of his patients and deeply aware of his responsibility in ministering to their physical and total well-being; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. W.E. Birdsong on his outstanding career as physician and friend; we further wish him well in continued pursuit of his noble profession and presidency, directing that he receive a copy of this resolution as but a token of our appreciation and esteem.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 17, was adopted.

Also:

By Reps. Nicholson, Brakefield and Richardson:

H. J. R. 18. COMMENDING LUCIOUS "SONNY" RICHARDSON OF JASPER, ALABAMA.

WHEREAS, the Legislature of Alabama notes with pleasure and pride that Lucious "Sonny" Richardson has been named outstanding employee of the year by the local chapter of the Alabama Employees' Association of Walker County, Alabama; and

WHEREAS, "Sonny" served his country with distinction and has retired from 20 years of service in the United States Army; and

WHEREAS, Sonny has served with tireless devotion and unending dedication in ministering to the needs of the veterans of Walker County and their families without regard to office hours; and

WHEREAS, Sonny has, in the short time since retiring from service to his country, become a vital part of the Jasper community and a valued friend to all those he has worked for; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Lucious "Sonny" Richardson on being named employee of the year.

BE IT FURTHER RESOLVED, That Lucious "Sonny" Richardson be presented a copy of this resolution so that he may know of our high regard and esteem.

On motion of Rep. Brakefield, the rules were suspended and the resolution, H. J. R. 18, was adopted.

Also:

By Reps. Holley, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett,

Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 19. DESIGNATING A PORTION OF ALABAMA HIGHWAY 87 AS THE "SHERIFF NEIL GRANTHAM DRIVE."

WHEREAS, the late C. F. "Neil" Grantham served the citizens of Coffee County as deputy sheriff and as sheriff for a period of seven years and two months; and

WHEREAS, on March 1, 1979, the untimely death of Sheriff Grantham was a source of deep sorrow and regret to the citizens of Coffee County and, indeed, to all Alabamians; and

WHEREAS, it is the desire of the Mayor and City Council of Elba, Alabama, that the life of Sheriff Neil Grantham be commemorated and that fitting tribute be paid to a beloved citizen and public servant of Coffee County, and one who was held in highest esteem throughout the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of Alabama Highway 87, beginning at By-Pass Street in Elba, Alabama, North to the Pea Creek Bridge, as the "Sheriff Neil Grantham Drive."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said portion of Alabama Highway 87.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the Mayor and City Council of Elba, Alabama.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 19, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 20. HONORING DR. GEORGE H. SMITH ON HIS 39TH ANNIVERSARY AS PASTOR OF THE SHILOH MISSIONARY BAPTIST CHURCH, TROY, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Harvey:

H. J. R. 21. COMMENDING COACH HUGH O'SHIELDS OF ONEONTA, ALABAMA.

WHEREAS, Coach Hugh O'Shields of Oneonta retired recently following a lengthy and accomplished career as one of our State's most successful

high school coaches; and

WHEREAS, Hugh O'Shields, who was a football standout both at Geraldine High School and at Jacksonville State University, began his coaching career at Sylvania High School in DeKalb County, moving to Blount County in 1951 to accept a position at Cleveland High School where he coached for fifteen years; and

WHEREAS, following his tenure at Cleveland High, during which period he directed three undefeated teams and experienced the only losing season of his entire career, Coach O'Shields became head coach at Oneonta High School to retire after seventeen years with a phenomenal record to his credit and for the Redskins; and

WHEREAS, from 1966, Coach O'Shields' first year at Oneonta, through the 1983 season, the Skins did not record a single losing season and nine of Coach O'Shields' teams competed in the state football playoffs; in 1971 the Redskins were co-state champions with Abbeville, capturing the title for themselves alone in 1972; and

WHEREAS, Coach O'Shields further professionally served for 12 years on the Alabama High School Athletic Association's Legislative Council and for seven years on the Central Board of Control; and

WHEREAS, with the retirement of Hugh O'Shields, the fraternity of high school coaches has lost an exceptional member whose talent and ability for leadership is unexcelled; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Coach Hugh O'Shields of Oneonta, Alabama; we further wish him continued success in all future endeavors and direct that he receive a copy of this resolution, in expression of our sincere praise of his extraordinary career and in small token of our warmest personal regard.

On motion of Rep. Harvey, the rules were suspended and the resolution, H. J. R. 21, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Sen. Bishop:

S. J. R. 2. JOINT RULES OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the following be adopted as the Joint Rules of the two houses for the years November 1983 - 1986, to-wit:

JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA 1983

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of

the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and number, year and the session shall clearly appear on the title page of the document.

7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless:

(1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8½" by 14" paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors in the balconies of each house are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon while in the House or Senate Chambers or any place on the second or third floor of the Capitol. This rule will not apply to employees of the two houses who are security officers.

RULES RELATING TO COMMITTEES

15. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate, to be appointed by the President of the Senate. The Committee on Conference shall not report unless there by an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such actions as that house may deem appropriate. The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation, together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report, after which it may then consider accepting the minority report.

In the event of a majority report rejection, the minority report may be

considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill _____ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B. ____ is attached).

(Example: Amend H.B./S.B. ____ as follows:)

Name

Name

Name

CONFEREES OF THE HOUSE

Name

Name

Name

CONFEREES OF THE SENATE

RULES RELATING TO LOBBYING

16. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

17. Method of Registration. Each calendar year every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interests, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided.

18. Registration Exception. Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his

individual capacity or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

19. **Obligations of Lobbyist.** A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

20. **Rules Committee Advisory Opinions.** A lobbyist, when in doubt the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

21. **Penalties for Violations.** Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

22. **Secretary to provide Forms.** The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

23. **Committees to be Diligent.** Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

SENATE MESSAGE

The resolution, S. J. R. 2, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Sen. deGraffenried:

S. J. R. 5. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE CONSTRUCTION OF A LEGISLATIVE OFFICE BUILDING.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Select Legislative Committee to study all relevant aspects of the construction of a legislative office building. Said committee shall consider the feasibility of the erection of a new building or adaption of an existing building to meet legislative needs.

Said committee shall consist of five members of the House of Representatives to be appointed by the Speaker of the House of Representatives and five members from the Senate to be appointed by the President of the Senate. The members shall select a chairman from among themselves. The committee shall meet upon the call of the chairman. The committee members shall be entitled to their regular legislative compensation, per diem and travel expenses for each day said members attend a meeting of the committee. Each legislative member shall further be entitled to actual expenses for travel outside the State of Alabama which is deemed necessary by the Chairman, approved by the presiding officer of his respective house and in accordance with the objectives of the committee. Said compensation shall be paid out of any funds appropriated to the use of the legislature. The Clerk of the House and the Secretary of the Senate shall furnish the committee with any necessary clerical assistance and supplies needed by the committee in performing its duties to be paid from funds appropriated to the use of the legislature. Said committee to report to the Legislature no later than the third legislative day of the regular session of the Legislature 1984.

SENATE MESSAGE

The resolution, S. J. R. 5, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

RECESS

On motion of Rep. Johnson (Roy), the House stood in informal recess until 6:00 o'clock p.m.

HOUSE RECONVENED

The hour of 6:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

JOINT SESSION

Pursuant to the resolution, H. J. R. 9, heretofore adopted, the Senate and House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives for the purpose of hearing an address by the Honorable George C. Wallace, Governor of the State of Alabama.

The joint session was called to order by Honorable William J. Baxley, Lieutenant Governor and Presiding Officer of the Senate.

Thereupon, Honorable George C. Wallace, Governor of the State of Alabama, delivered the following address to the Members of the Alabama

Legislature:

Governor Baxley, Speaker Drake, ladies and gentlemen of the Alabama Legislature assembled:

First, let me congratulate you on being elected by the people in your district to represent them in the legislature. The fact that you have achieved this milestone is most significant and a test to the confidence that your people in your home district place in you. I know that you will fulfill your responsibilities and meet the challenges that lie ahead of us.

I wish I could tell you that the decisions that you will make here in the legislative chamber during the next three years will always be easy decisions. However, with the state of today's economy and with the many problems of magnitude facing the State of Alabama, I cannot give you any assurance in that direction. You will be called upon to face responsibilities that will determine the direction of Alabama for many years to come.

Many of the problems that we face will deal with the financing of state government. That is never an easy situation unless there is plenty of money on hand. I have called you into this special session because of funding problems that we are facing in state government.

In short, we are going to ask you to appropriate some money to open some prisons that are almost completed and to finance the construction of other prisons for the future use.

When I first became governor in 1963, the state of Alabama was then facing a prison problem in view of the fact that Kilby Prison, located in Montgomery, had been condemned and had to be replaced. Under my administration we proceeded to pass legislation and fund the construction of new prisons which replaced the antiquated Kilby complex.

Also in the late 1970s during my last administration, legislation passed and was submitted to the people to provide for a bond issue for prison construction. That proposal was passed by the people of this state, and new prisons have been proposed and constructed as a result of that measure becoming law. I point out these factors to indicate to you, the members of the legislature and the people of this state, that my administrations have been mindful of the prison problem that we face in Alabama. We have not been able to solve all of those problems. But Alabama does not stand alone in that regard. As I talk with you today, there are 22 states, plus the District of Columbia, that are currently under state or federal court orders to solve overcrowded problems. Twenty-seven states in our nation currently have overcrowded conditions in their prisons. Thirty-six states have current planned or ongoing construction projects to help solve the overcrowded conditions which presently exist or will exist in the near future.

The permissiveness brought about in our society by federal court orders in the 1950s, the 1960s, and during the early 1970s led to a drastic increase of crime in this nation and have encouraged many of our citizens to commit criminal acts. Our law enforcement agencies have done the best job they could in catching these criminals. Recently, we have seen the pendulum change and swing back in the direction of more convictions and more punishment. We have seen a change in some court decisions which indicate that the federal appellant courts are moving away from the permissiveness that they should never have gotten into in the first place. We have got to stand strong on the side of law and order. We have got to provide a place to put the criminals who do bodily harm, steal property, assault, batter, or rape our good working and law-abiding citizens.

Let me also point out to you very emphatically that I do not take a back seat to anyone in the State of Alabama as being the leader for law and order and as being a leader of punishing those who commit criminal acts on the citizens of our state and nation.

Let me also underscore to you that I do not take a back seat to anyone in state government as far as being the leader in law and order.

When I ran for President in 1968 and in 1972, I was known as the law and order candidate.

I have been invited to and spoke to the National Convention of the Fraternal Order of Police—an honor never before nor after accorded to any Alabamian.

I have been invited and have spoken to the National Association of Sheriff's Convention—an honor never before nor after accorded to any Alabamian.

I have been fortunate enough to have had the support of police organizations in almost every state of this nation in my candidacy for President. In fact, I was criticized as being one who favored a police state. Well, I do not favor a police state nor do you favor a police state, but I am sure that you agree with me that if we had to make a choice, we could certainly take a police state within our democratic system rather than to take a state which is run and controlled by the thugs and the criminal element which we have seen too much of in recent years.

However, we are not coming here tonight asking you to pass legislation that would form a police state. We are coming here tonight asking you to pass legislation that is going to solve the problems regarding the prison matter.

I know well what would be the best political rhetoric to give. I could talk tough about the criminal and present legislation to you that would only make the problem that we have in Alabama worse. Now is not the time for that.

It is time for those of us who hold leadership roles in state government to bring forth solutions to problems and not be the problem, it is time for reason and common sense to prevail.

No person in this chamber and no person in state government has been the victim of a criminal act such as was perpetrated upon me in 1972. As a result of that criminal act, I have suffered the loss of use of much of my body. I have been put through pain and suffering for twelve years as a result of that vicious, criminal assault. So I have good reason to have every animosity toward the criminal element of our society. I am tough on criminals. I believe in swift, sure and just punishment.

The law-abiding people of this state deserve to have the criminal element taken off the street and put behind bars where they cannot do bodily harm to our fine law-abiding citizens. We are doing that, and with the continued help of the court system, we will do a better job in the future. As in the case of other programs which we legislate and put into law, the penal institutions of this state cost money. If the rate of inmates coming into the system continues to increase by 150 per month, the cost of running a prison system will become prohibitive to the taxpayers of this state. We must look at other programs and put emphasis toward rehabilitation of those who commit non-violent criminal acts.

We have an S.I.R. Program for inmates who are within two years of their release point. These inmates have not committed crimes of bodily injury and give every indication of being able to rehabilitate into productive citizens. We have also tried to emphasize the point of restitution to those who were victims of their crimes.

The Supervised Intensive Restitution (SIR) Program is an extension of supervised custody by the Department of Corrections. Only property offenders are placed on this program. Each inmate is intensively supervised by a trained correctional officer who ensures the inmate works. Strict limitations are placed on the inmate, and he must follow these or be placed back into the penal institution.

All inmates must pay a supervision fee of \$10 a week. The total amount of supervision fees paid since April 1, 1983, is \$100,230.61.

Any S.I.R. inmate not employed must work for free on a community project. A total of 111,110 hours have been donated to the community by S.I.R. inmates. Using the minimum wage scale, this amounts to \$372,218.50 savings to the communities.

As of October 30, 1983, victim restitution has amounted to \$24,458.28.

S.I.R. provides a lower supervision cost to the taxpayers. Using community and minimum custody in-house supervision cost, a savings of \$22.41 a day per inmate is realized. If 445 inmates are on the program, \$9,970.23 a day is saved. If 445 inmates were maintained for a year, a savings of \$3,639,132.13 is realized.

The S.I.R. Program has come under challenge by some of those in state government. And I am sure that it will not be popular with everyone. But the alternative seems to be a supervised intensive restitution program or a release program brought on by the federal judge. Other states, such as Florida and Georgia, have had numerical limitations put on their prison systems. When the number of inmates reaches to the numerical limitation, then an equal number are released as to the number coming into the system. That is not good. That does not provide the supervision that the S.I.R. Program will in the State of Alabama.

During this legislative session, I am going to ask you to pass legislation which places the S.I.R. program into law in the State of Alabama. I have every reason to believe that this will bring Alabama from under the federal court order which it currently faces.

Today there are 881 state inmates backlogged in local and county jails throughout Alabama. There is an additional 443 inmates that are on the Supervised Intensive Restitution (S.I.R.) program.

In addition to these figures, there are 6,852 inmates in the penal institutions in the State of Alabama and 971 on work release as I talk with you here tonight. The projections for the next two to three years indicate that inmate population of our prisons will continue to grow at the rate of 150 inmates per month. The 150 per month means that the state would be faced with providing the space equivalent to two of our present prison facilities per year over the forthcoming years. If this pace continues, the State of Alabama will be faced with spending \$1.4 billion for the operation and construction of state prisons between now and 1990. This is an astronomical figure and is more than our state can afford to pay.

In the months ahead, we are going to have to look carefully at some of the laws which we have on the books in the State of Alabama. We have got

to closely examine the law requiring mandatory life sentences for those persons who commit three felonies. Three major felonies of acts against a person or acts of armed robbery, murder, rape, and so on should bear the application of the mandatory life sentence for three convictions. However, we are in the posture today of sentencing people to life when they have committed maybe one major crime and two crimes that are considered felonies but are not what you and I would call major in magnitude.

We must also give consideration to those who might be fit for parole prior to being sentenced into our prisons. If it is a first conviction and the person appears to be a good candidate for rehabilitation, it would be much better to make them a productive citizen rather than put them into the prisons and make them a heavy financial burden to the State of Alabama.

If a person at age 30 is sentenced to life in prison, the State of Alabama is assuming a financial liability of better than \$700,000 to maintain that prisoner for his normal lifetime. Of course, the most acceptable solution to all of these problems is for the people of our state and those who come into our state to cease committing crimes. And I wish they would. I wish that we never had another criminal act committed in the State of Alabama, and this would provide us with millions of dollars that we could put toward education and the development of Alabama's economy. But that is not the case. We know that more crime will be committed. And we want no criminal anywhere to think that this state is for one minute becoming lax on criminals. If they commit a crime, we are going to put them in the jail house, and we are going to make them work. They are going to suffer punishment.

As all of you here tonight know, the state is under a federal court order, and the judge has given us until March 15 to eliminate the overcrowding in Alabama's prisons. We are going to ask you to appropriate monies from the state general fund to the Department of Corrections which will open the West Jefferson Prison Facility and allow us to accept 1000 inmates from the county and local jails. We are going to ask you to appropriate money from the general fund to provide for prison construction which will add another prison to accommodate several hundred inmates to Alabama's penal system. We are also asking you to appropriate funds to the Mental Health Department which will allow us to open the Taylor Hardin Facility for the criminally insane. This will provide another 90 beds in our prison system wherein we will transfer the mentally insane from the Corrections Department to the Mental Health Facility which is now provided for them.

We are also asking you to appropriate over 3 million dollars for capitol renovation. This capitol renovation project is necessary if we are to keep this historic capitol here in Montgomery. It is in bad need of repair, and we must renovate another building so the legislature, the governor, secretary of state, state treasurer, state auditor and the other offices in this building can be moved during the renovation period.

I am also asking you to pass legislation during this session which will place a question on the ballot in Alabama during the March presidential primary.

This question will in effect ask the people if they desire to support the taxes that will be necessary to continue the prison system in Alabama, along with the S.I.R. Program or if they desire to see inmates released by the federal courts and others and not spend any more money.

This question and the response by the people is necessary because the funding that we are providing in this session comes from one-time money. It

is the accumulation of revenues which the State of Alabama has had in escrow as a result of cases in state and federal courts concerning the oil severance tax passed in 1979.

Since I am asking you to appropriate this one-time money for the ongoing operation of state prisons, we will be faced with finding the money for next year and the future.

It will be necessary to raise revenue to operate the prisons which we are opening in early 1984 and others which are being constructed.

We either have to raise the revenue and house the prisoners, or let prisoners go loose.

I believe I know how the people of this state will react. I am confident that they want a sound approach to punish the criminal element and pay the cost of that prison system as long as that cost is reasonable, providing the prisoners who are in the system are required to work and help to support themselves.

Thank you, ladies and gentlemen.

Addendum to Governor Wallace's speech:

The decisions of the Warren Courts of the 50s and 60s have brought us to a stage of quasi-anarchy when people feel that they are hostages in their own homes at night. This was predicted by many of us in those years. As a result of those decisions, which are now trying to be corrected when it is almost too late, we found that our system of criminal jurisprudence in the United States of America is probably the most laboriously expensive to the taxpayers in all of the free world. There is no reason for this. The rights of the criminal can be protected while at least bringing justice to those who have committed the heinous crimes we see in the papers and on the media every day and night. Some states have thrown up their hands almost in disgust as there is nothing they seem to be able to do. They can keep building prisons—filling them up. And keep building and filling them up—and recently Florida turned 3,000 inmates loose without any supervision. We are reaching that time except turning those out who are non-violent, they will be placed on a supervised inmate restitution program. This is better than outright dismissal upon the public of these criminals by the federal courts. We must act.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

I am directed by the Senate to notify the House that the Senate has perfected its organization by the election of the following officer:

President Pro Tempore: John Teague

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 10. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 12. TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

NOTICE IN WRITING

Rep. Horn filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day, a motion will be made to amend the Rules of the House to delete House Rule 31a in its entirety.

Rule 31a. Any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 3. COMMITTEE TO NOTIFY GOVERNOR AND ASCERTAIN DESIRE FOR JOINT SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED, that said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and, if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate to notify the Governor Senators Holmes, Drinkard, and Sanders.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate to escort the Governor Senators Goodwin, Strong, and Bennett.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 3, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

PERMISSION GRANTED

Permission was granted for the Journal to show that had a vote been recorded on the adoption of the resolution, H. J. R. 12, Rep. Venable would have voted "Nay".

RESOLUTION

The following resolution was introduced:

By Reps. Rains and Coleman:

H. J. R. 22. COMMENDING MR. AND MRS. FURMAN NORTON ON THEIR 73RD WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent 73rd Wedding Anniversary, September 11, 1983, of Mr. and Mrs. Furman Norton of Albertville, Alabama; and

WHEREAS, in the sight of God, Furman Norton and Ocie Hambrick were joined in wedlock on September 11, 1910, at Nixon Chapel and these two fine people, forsaking all others, have remained in said Holy state for 73 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Norton, who are 94 and 89 years young respectively, are the parents of four children, one of whom is deceased, and are the loving grandparents of twenty-five wonderful grandchildren, fourteen great-grandchildren and three great-great grandchildren; and

WHEREAS, Mr. Norton is a retired farmer and Mrs. Norton, a homemaker, loves to cook and is widely known for her cooking; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Albertville, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Norton that they may know of our congratulations and warm best wishes.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 22, was adopted.

THIRD EXTRAORDINARY SESSION
1st Day

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ADJOURNMENT

On motion of Rep. Johnson (Roy), and pursuant to the resolution, H. R. 11, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Wednesday, November 16, 1983.

SECOND DAY

House of Representatives
Montgomery, Alabama
Wednesday, November 16, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Father Edward P. McDevitt, Pastor, Saint Andrews Catholic Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoughby:

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the rules were suspended and the reading at length of the Journal of the House for the first legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

LEAVE OF ABSENCE

Leave of absence was granted for Rep. Brooks due to his absence from the State.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 9. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 8. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 7. CREATING A LEGISLATIVE PARKING COMMITTEE.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Denton, Foshee, and Bishop.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to wit:

H. 16. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for payment of Attorney General's fine as assessed by Federal Court, for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

H. 20. To provide for a general statewide public referendum. This bill provides for a public referendum vote by all qualified electors of the State of Alabama, for the purpose of providing the Legislature with the "sense of the public" with regard to matters relating to the advisability or acceptabil-

ity of additional revenue or taxation matters for the purpose of providing more and/or expanded correctional facilities.

H. 21. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

H. 7. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

H. 11. To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 23. To reverse the numbers of House Districts 26 and 25 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

H. 28. To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

H. 9. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may abolish or create a civil service system or other personnel board; to continue all rights, interest and privileges which certain employees have in any civil service or merit system within any such municipality; to prescribe that the provisions of this act shall be construed in pari materia with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

H. 10. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

H. 12. To amend §40-12-262, Code of Alabama 1975, relating to trip permits; and to require cab cards of international registration plan vehicles be present in the vehicle; to provide for temporary trip permits; to provide penalties for violations of this section.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and §34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as

to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 2. To amend Section 11-43-50, Code of Alabama 1975, so as to require that there shall be at least one regular meeting of the council, each month, in the towns of this state and to provide a procedure for additional regular meetings of the council, each month, at the option of the council of the town; to establish an effective date.

H. 6. To amend Section 11-50-234, Code of Alabama, 1975 relating to the Board of Directors of Water Works and Sewer Boards organized under the provisions of Division 1, Article 8, Chapter 50, Code of Alabama, 1975 so as to authorize the governing body of any municipality which has heretofore or hereafter authorized the creation of such a corporation to increase the board of directors of the corporation from three to five members, any provision of the Articles of Incorporation of such corporation to the contrary notwithstanding.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 5. Relating to Morgan County; amending further Sections 3, 5, 7, 8, 9, 10, 13, 14 and 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), as amended, creating the Municipal Utilities Board of Decatur, so as to provide further for the organization, membership, administration and general operations of such board and the compensation of the members of such board and to repeal Sections 17 and 19 of said Act, as amended.

H. 14. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

H. 15. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

H. 17. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph

County under certain conditions (a) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (b) to pay four-tenths of the road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (c) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain county facilities (as defined herein), to be secured by a pledge of (i) one-half of the said special ad valorem tax, (ii) four-tenths of said road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, and (iii) such other taxes levied by Randolph County as the governing body of Randolph County shall determine; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternative method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

The above bill was read a second time at length as required by the Constitution.

H. 27. To amend Title 12-13-41, describing the duties of the Probate Judges generally, Code of Alabama 1975 so as to allow the Probate Judge of Elmore County, Alabama to have one general index book relative to transactions in the Probate Office of Elmore County.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 22. (With Amendments): To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 18. To provide that a convicted defendant in a misdemeanor case shall be required to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Parker:

H. R. 23. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Rules of the House are amended as follows:

Add a new rule to read as follows:

Rule 39a. Smoking in the House Chamber shall be prohibited from the time the Floor of the House is cleared until the House adjourns.

On motion of Rep. Carter, the resolution, H. R. 23, was indefinitely

postponed.

Also:

By Rep. Johnson (Roy):

H. R. 24. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Wednesday, November 16, 1983, we adjourn to meet again on Thursday, November 17, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 24, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Preuitt and Johnson (RG):

H. 30. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in pari materia with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

Ways and Means.

ADJOURNMENT

On motion of Rep. Johnson (Roy), and pursuant to the resolution, H. R. 24, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, November 17, 1983.

THIRD DAY

House of Representatives
Montgomery, Alabama
Thursday, November 17, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend John W. Moon, Member, Executive Board of Alabama Baptist State Convention, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger,

THIRD EXTRAORDINARY SESSION
3rd Day

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Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the rules were suspended and the reading at length of the Journal of the House for the second legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 22. COMMENDING MR. AND MRS. FURMAN NORTON ON THEIR 73RD WEDDING ANNIVERSARY.

Also:

H. J. R. 14. MOURNING THE DEATH OF SERGEANT REX W. WINCHESTER OF THE IRONDALE POLICE DEPARTMENT.

Also:

H. J. R. 15. COMMENDING THE MONTEVALLO HIGH SCHOOL FOOTBALL TEAM.

Also:

H. J. R. 17. HONORING DR. W. E. BIRDSONG OF JASPER, ALABAMA.

Also:

H. J. R. 18. COMMENDING LUCIOUS "SONNY" RICHARDSON OF JASPER, ALABAMA.

Also:

H. J. R. 21. COMMENDING COACH HUGH O'SHIELDS OF ONE-ONTA, ALABAMA.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 10. RELATIVE TO MEETING DATES FROM TUESDAY, NOVEMBER 15, 1983 THROUGH TUESDAY, NOVEMBER 22, 1983.

Also:

H. J. R. 12. TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 7. CREATING A LEGISLATIVE PARKING COMMITTEE.

Also:

H. J. R. 8. NOTIFYING THE GOVERNOR THAT THE LEGISLATURE IS NOW IN SESSION.

Also:

H. J. R. 9. RELATIVE TO THE GOVERNOR ADDRESSING A JOINT SESSION OF THE LEGISLATURE.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

THIRD EXTRAORDINARY SESSION
3rd Day

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By Rep. Johnson (Roy):

H. R. 25. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, November 17, 1983, we adjourn to meet again on Monday, November 21, 1983, at 6:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 25, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 2. JOINT RULES OF THE LEGISLATURE.

On motion of Rep. Johnson (Roy), the resolution, S. J. R. 2, was adopted.

Also:

S. J. R. 3. COMMITTEE TO NOTIFY GOVERNOR AND ASCERTAIN DESIRE FOR JOINT SESSION.

On motion of Rep. Johnson (Roy), the resolution, S. J. R. 3, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report, with amendments:

S. J. R. 5. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE CONSTRUCTION OF A LEGISLATIVE OFFICE BUILDING.

Said amendment #1 being as follows:

Amend S.J.R. 5, on line 24 by deleting the word ~~themselves~~ where said word appears thereon and inserting in lieu therefor the word themselves

And the amendment was adopted.

Also:

Said amendment #2 being as follows:

Amend S.J.R. 5 by inserting on line 33 after the word "committee." the following:

The expenditures of this committee shall not exceed \$20,000.00.

And the amendment was adopted.

On motion of Rep. Johnson (Roy), the resolution, S. J. R. 5, as amended, was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Rep. White (L):

H. J. R. 26. REQUESTING LEGAL DESCRIPTIONS OF ALL STATE REAL PROPERTY.

WHEREAS, the probate judges, tax assessors, and tax collectors of the various counties of this state are required to identify, assess and collect ad valorem taxes on all privately owned real property in their respective counties; and

WHEREAS, the various departments, agencies and commissions of state government are charged with the administration of various parcels of state land under their jurisdiction and scattered throughout the state; and

WHEREAS, the correct legal description of each parcel of state land is ascertainable only by the respective department, agency or commission possessing the legal documents of title and having jurisdiction over such real property; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each and every department, agency and commission of state government shall furnish to the tax assessors, tax collectors and probate judges of the various counties of the state the legal description of all of the real property in each county over which such department, agency or commission has jurisdiction.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each and every department, agency and commission of state government in order that the collection of ad valorem taxes may be expedited by the various county officials charged with such responsibility.

The resolution, H. J. R. 26, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Holmes:

H. R. 27. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That the House of Representatives is hereby requested to organize into political parties' leadership, majority leader, minority leader, majority whip and minority whip.

BE IT FURTHER RESOLVED, That these positions shall be subordinate to the Speaker and Speaker Pro tem of the House of Representatives.

The resolution, H. R. 27, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 14. MOURNING THE DEATH OF SERGEANT REX W. WINCHESTER OF THE IRONDALE POLICE DEPARTMENT.

Also:

H. J. R. 15. COMMENDING THE MONTEVALLO HIGH SCHOOL

FOOTBALL TEAM.

Also:

H. J. R. 17. HONORING DR. W.E. BIRDSONG OF JASPER, ALABAMA.

Also:

H. J. R. 18. COMMENDING LUCIOUS "SONNY" RICHARDSON OF JASPER, ALABAMA.

Also:

H. J. R. 21. COMMENDING COACH HUGH O'SHIELDS OF ONE-ONTA, ALABAMA.

Also:

H. J. R. 22. COMMENDING MR. AND MRS. FURMAN NORTON ON THEIR 73RD WEDDING ANNIVERSARY.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rep. Butler:

H. J. R. 28. AMENDING ACT 79-816, SJR 172 (Acts of 1979, p. 1515) AS AMENDED SO AS TO ADD TWO MEMBERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act 79-816, SJR 172 (Acts of 1979, p. 1515) as amended as follows.

WHEREAS, the Medicaid program of the State of Alabama is taking a larger and larger portion of the funds in the state treasury; and

WHEREAS, there exists on a regular basis a crisis situation with the administration of state funds for the medicaid program; and

WHEREAS, the members of the general public and state officials are becoming alarmed at the increasing cost of this program to the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing joint select committee to be composed of four five members of the House and four five members of the Senate to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicaid program with particular

emphasis on the increasing cost to the state of such program. The committee shall also study the impending impact of federal block grants to operate state health and welfare programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1890 1984 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee and the total expenses of the committee shall not exceed \$7,000.00: per annum.

On motion of Rep. Butler, the rules were suspended and the resolution, H. J. R. 28, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Payne, leave of absence was granted for Rep. Seibels.

At the request of Rep. Starr, leave of absence was granted for Rep. Brooks due to absence from the State.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Rains, Coleman and Bugg:

H. J. R. 29. COMMENDING MR. AND MRS. EVERETTE SIMS ON THEIR 73RD WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent 73rd Wedding Anniversary, September 4, 1983, of Mr. and Mrs. Everette Sims of Albertville, Alabama; and

WHEREAS, in the sight of God, Everette Sims and Jessie Leo Owens were joined in wedlock on September 4, 1910, and these two fine people, forsaking all others, have remained in said Holy state for 73 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Sims, who are 92 and 90 years young respectively and who resided on their own farm near Douglas throughout most of their marriage, were the parents of eight children, three of whom are deceased; they also have a number of grandchildren and great-grandchildren including two sets of twins; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and

friends in congratulating this exemplary couple of Albertville, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Sims that they may know of our congratulations and warm best wishes.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 29, was adopted.

Also:

By Rep. Rains, Coleman and Bugg:

H. J. R. 30. COMMENDING MR. AND MRS. JAMES H. BROCK ON THEIR 72ND WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent 72nd Wedding Anniversary, August 28, 1983, of Mr. and Mrs. James H. Brock of Albertville, Alabama; and

WHEREAS, in the sight of God, James H. and Mary Brock were joined in wedlock on August 28, 1911, and these two fine people, forsaking all others, have remained in said Holy state for 72 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Brock, who are originally from Boaz, Alabama, are 101 and 89 years young, respectively; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Albertville, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Brock that they may know of our congratulations and warm best wishes.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 30, was adopted.

Also:

By Rules Committee:

H. R. 31. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That upon reaching the calendar the following bills in the order named be made the special, paramount and continuing order of business beginning November 17, 1983, taking precedence over any other business of the House until such time as said bills are disposed of:

All uncontested Local Bills

H.B. 16. Appropriation - Mental Health, Corrections, Attorney General, page 1

H.B. 20. Referendum statewide with regard to additional revenues for prisons, page 2

H.B. 22. Department of Corrections - SIR program, page 10

H.B. 21. Birmingham School of Law, Jones Law School & Miles College, page 2

H.B. 10. Provide Legislative Space in Highway Department Building, page 5

H.B. 1. Medical Licensure Bill, page 6

SUBSTITUTE OFFERED

Rep. Adams offered the following substitute to the resolution, H. R. 31, said substitute being as follows:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That upon reaching the calendar the following bills in the order named be made the special, paramount and continuing order of business beginning November 17, 1983, taking precedence over any other business of the House until such time as said bills are disposed of:

All uncontested Local Bills

H.B. 16. Appropriation - Mental Health, Corrections, Attorney General, page 1

H.B. 20. Referendum statewide with regard to additional revenues for prisons, page 2

H.B. 22. Department of Corrections - SIR program, page 10

H.B. 21. Birmingham School of Law, Jones Law School & Miles College, page 2

H.B. 10. Provide Legislative Space in Highway Department Building, page 5

H.B. 1. Medical Licensure Bill, page 6

H.B. 7. Service, page 3

H.B. 18. Reimbursement, page 10

H.B. 11. Vending Machines, page 3

SUBSTITUTE ADOPTED

On motion of Rep. Clark (J), the substitute was adopted.

The resolution, H. R. 31, as amended, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Newman:

H. R. 32. HONORING MRS. RUTH NORRIS GREER OF FAYETTE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

The following resolutions were introduced:

By Reps. Coleman and Rains:

H. J. R. 33. COMMENDING MR. AND MRS. CHARLIE HALL-

MAN OF GUNTERSVILLE, ALABAMA, FOR OUTSTANDING CONTRIBUTION TO JACKSONVILLE STATE UNIVERSITY.

WHEREAS, the Alabama Legislature notes with utmost commendation the recent endowment of a \$10,000 scholarship fund to Jacksonville State University by Mr. and Mrs. Charlie Hallman of Guntersville, Alabama; and

WHEREAS, Edith and Charlie Hallman, both of whom are alumni of Jacksonville State University, selected their alma mater as the recipient of their generosity in gratitude for the assistance they themselves received as young JSU students working their way through college; and

WHEREAS, interest from the scholarship fund will be awarded annually, beginning in 1984, to a graduating senior at Guntersville High School where Mrs. Hallman taught for some 30 years prior to her recent retirement; and

WHEREAS, Mr. Hallman, a former longtime employee of Redstone Arsenal, is now a prominent Guntersville realtor and has been joined in his business by Mrs. Hallman who earned a broker's license following retirement as an educator; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mr. and Mrs. Charlie Hallman of Guntersville, Alabama, for their outstanding contribution to Jacksonville State University.

BE IT FURTHER RESOLVED, That Mr. and Mrs. Hallman receive a copy of this resolution, tendered in deep admiration and highest regard of their generosity to JSU.

On motion of Rep. Coleman, the rules were suspended and the resolution, H. J. R. 33, was adopted.

Also:

Reps. Nicholson and Brakefield:

H. J. R. 34. COMMENDING SMITH LAKE CIVIC ASSOCIATION.

WHEREAS, the Legislature of Alabama has noted with pleased accord the completion of the Smith Lake Civic Center in Walker County; and

WHEREAS, the Smith Lake Civil Center is the result of the hard work and determination of the members of the Smith Lake Civic Association and was funded by private funds raised by the members of the Smith Lake Civic Association and without governmental funds; and

WHEREAS, the Smith Lake Civic Center is an asset to the entire Smith Lake Community and will be enjoyed by all; and

WHEREAS, the Smith Lake Civic Association has always promoted conservation and the protection of Smith Lake which is one of Alabama's most precious assets; and

WHEREAS, the conservation efforts and accomplishment of the members of the Smith Lake Civic Association serves as a shining example for all citizens of Alabama to follow; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most highly commend and praise the members of the Smith Lake Civic Association for their accomplishments and further direct that a copy of this resolution be sent to the

Smith Lake Civic Association as evidence of our admiration and esteem.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 34, was adopted.

BILLS ON THIRD READING

And the bill:

H. 5. Relating to Morgan County; amending further Sections 3, 5, 7, 8, 9, 10, 13, 14 and 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), as amended, creating the Municipal Utilities Board of Decatur, so as to provide further for the organization, membership, administration and general operations of such board and the compensation of the members of such board and to repeal Sections 17 and 19 of said Act, as amended.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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All members present voted unanimously.

And the bill:

H. 14. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray,

Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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All members present voted unanimously.

And the bill:

H. 15. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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All members present voted unanimously.

And the bill:

H. 17. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (b) to pay

four-tenths of the road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (c) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain county facilities (as defined herein), to be secured by a pledge of (i) one-half of the said special ad valorem tax, (ii) four-tenths of said road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, and (iii) such other taxes levied by Randolph County as the governing body of Randolph County shall determine; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternative method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghyb.

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All members present voted unanimously.

And the bill:

H. 27. To amend Title 12-13-41, describing the duties of the Probate Judges generally, Code of Alabama 1975 so as to allow the Probate Judge of Elmore County, Alabama to have one general index book relative to transactions in the Probate Office of Elmore County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger,

Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

All members present voted unanimously.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 16. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for payment of Attorney General's fine as assessed by Federal Court; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

Was taken up.

AMENDMENT OFFERED

Rep. Sasser offered the following amendment to the bill, H. 16:

Amend House Bill 16, page 2, lines 2 through 4 by deleting subsection (c) in its entirety and by renumbering the remaining subsection accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 24.

Yeas:

Reps. Adams, Bachus, Beers, Black, Bowling, Box, Brakefield, Britnell, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Coleman, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (G), White (L), and Zoghby.

—78

Nays:

Mr. Speaker, Albright, Biddle, Blake, Blakeney, Boles, Browder, Bugg, Campbell, Carothers, Clark (J), Coburn, Cosby, Crow, Ford, Gray, Grouby, Johnson (Roy), Junkins, Nicholson, Richardson, Turnham, Warren and

White (F).

—24

CO-SPONSOR ADDED

Rep. Johnson (Roy), was added as co-sponsor to the bill, H. 16.

And the bill, H. 16 as thus amended, was again read at length and passed.

Yeas 102; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—102

And the bill:

H. 20. To provide for a general statewide public referendum. This bill provides for a public referendum vote by all qualified electors of the State of Alabama, for the purpose of providing the Legislature with the "sense of the public" with regard to matters relating to the advisability or acceptability of additional revenue or taxation matters for the purpose of providing more and/or expanded correctional facilities.

Was taken up.

AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, H. 20:

On page 1 in the Synopsis, amend on line 9 by inserting the phrase "an advisory public referendum" in lieu of the phrase "a public referendum" after the words "provides for".

Further insert the word advisory on page 1, in the Title, line 21 after the words "general statewide."

Further insert the word advisory on page 1, line 22 before the words "provides for a".

Further on page 2, Section 3, line 18, by inserting the word advisory after the words intended that this".

Further insert the word advisory on page 2, Section 3, line 23 after the words "publication of this".

Further insert the word advisory on page 2, Section 3, line 24, after the words "costs of this".

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Further insert the word advisory on page 2, Section 4, line 27 after the words "their vote in this".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

AMENDMENT OFFERED

Rep. Buskey (James) offered the following amendment to the bill, H. 20 as amended:

Amend H.B. 20 on page 2, Section 3, lines 23 through 24 by deleting the following sentence:

~~There shall be no requirement of legal publication of this referendum,~~
and inserting in lieu thereof the following:

The legal publication requirement of this referendum shall be the same as a Constitutional amendment.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Buskey (James) to the bill, H. 20 as amended, was tabled.

Yeas 83; Nays 16.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—83

Nays:

Reps. Black, Bryant, Buskey (James), Buskey (John), Clark (W), Fuller, Gray, Grayson, Hettinger, Kennedy, McDowell, Melton, Payne, Reed, Rice and Thomas.

—16

And the bill:

H. 20. To provide for a general statewide advisory public referendum. This bill advisory provides for a public referendum vote by all qualified electors of the State of Alabama, for the purpose of providing the Legislature with the "sense of the public" with regard to matters relating to the advisability or acceptability of additional revenue or taxation matters for the purpose of providing more and/or expanded correctional facilities.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 101; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S. J. R. 5. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE CONSTRUCTION OF A LEGISLATIVE OFFICE BUILDING.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 22. (With Amendments): To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

Was taken up.

SUBSTITUTE AMENDMENT OFFERED

Rep. Campbell offered the following substitute amendment to the amendment #1 reported by the Standing Committee on Judiciary to the bill, H. 22, said substitute amendment being as follows:

Amend House Bill 22 on Page 2, Section 4, lines 8 and 9, by striking after the word "molestations" where said word appears on line 8 the following:

~~selling drugs, or burglary in the first degree or any crime of violence~~

Insert in lieu thereof the following:

selling controlled substances, any Class A felony, assault in the first degree, burglary in the second degree, arson in the second degree, robbery in the second degree, manslaughter, assault in the second degree or robbery in the third degree

SUBSTITUTE AMENDMENT ADOPTED

And the substitute amendment was adopted.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. B. 22 on page 3 following the end of Section 12 on line 14 by adding a new section to be numbered Section 13 and renumber all subsequent sections accordingly, to wit:

Section 13. Any rules, regulations and policies adopted pursuant to this Act shall be subject to the provisions of the Alabama Administrative Procedures Act.

Section 13-14.

Section 14-15.

Section 15-16.

And the amendment was adopted.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 22 on page 2, Section 6, line 14 of said bill, by striking the word plae and substitute the word placed.

Further amend H.B. 22, page 2, Section 6, line 16 of said bill, by striking the word resitution and substitute the word restitution.

Also amend H.B. 22, page 2, Section 4, on line 8 of said bill, by striking the word molestations and substitute in lieu therefor the word molestation.

And the amendment was adopted.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

The question was then on the adoption of the amendment #4 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 2, on page 3, Section 10, line 5 of said bill, by striking the word admisitration and insert in lieu therefor the word administration.

And the amendment was adopted.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey, (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

AMENDMENT OFFERED

Rep. Campbell offered the following amendment to the bill, H.22, as amended:

Amend H.B. 22, Section 6, Page 2, line(s) 14 by (adding) before the word(s)

“When”

the following:

Ten days prior to placing an inmate on this program the Department will notify the sentencing Judge and District Attorney in writing.

SUBSTITUTE AMENDMENT OFFERED

Rep. Hammett offered the following substitute amendment to the amendment offered by Rep. Campbell to the bill, H. 22, as amended:

Amend H.B. 22, Section 4, Page 2, line(s) 9 by (adding) after the word “Confinement”

the following:

It is also expressly provided that the circuit judge, district attorney, and sheriff from the county from which the inmate was sentenced shall be contacted by the department and said officials shall certify, in writing, that the inmate being considered for the restitution program is, in their opinion, suitable for participation in such program.

SUBSTITUTE AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the substitute amendment offered by Rep. Hammett to the amendment offered by Rep. Campbell to the bill, H. 22, as amended, was tabled.

Yeas 79; Nays 14.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling,

Box, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Poole, Pratt, Rains, Reed, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Warren, White (F) and White (G).

—79

Nays:

Reps. Cosby, Gaston, Grimsley, Hammett, Harper, Hooper, Johnson (R.G.), McKee, Payne, Rice, Sasser, Venable, White (L) and Zoghby.

—14

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Campbell to the bill, H. 22, as amended, and the amendment was adopted.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

AMENDMENT OFFERED

Rep. Mikell offered the following amendment to the bill, H. 22, as amended:

Amend H. B. 22, Section 5, page 2, line 13, after the word and figure "article." by inserting the following:

Provided, however, before an inmate can come under the SIR program, the victim of the present crime for which the inmate was incarcerated shall receive notice in the form of a certified letter from the District Attorney or prosecuting attorney one week prior to the inmate going on the SIR program. Provided, further, the District Attorney or prosecuting attorney involved in prosecution of said inmate shall receive written notice from the Department of Corrections in the form of a certified letter two weeks prior to the inmate going on the SIR program.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 22, as amended:

Amend House Bill 22, on Page 2, after Section 6, by adding a new Section 7 and renumber the following sections accordingly:

Section 7. There is hereby created a S.I.R. Citizens Review Board. The Speaker of the House of Representatives shall appoint one board member each from the First, Third, Fifth and Seventh Congressional Districts. The President of the Senate shall appoint one board member from the Second, Fourth and Sixth Congressional Districts. The Board shall meet at least once per month at the Board of Corrections to review both the administration of and participants in the program. Members of the Board shall receive their actual expenses and the same per diem as members of the legislature.

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Venable to the bill, H. 22, as amended, was tabled.

Yeas 71; Nays 26.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, McNair, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Pratt, Preuitt, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Turnham, Warren, White (F) and Zoghby.

—71

Nays:

Reps. Bachus, Beers, Blakeney, Boles, Carothers, Cosby, Grimsley, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Laird, McKee, McMillan, Mikell, Payne, Penry, Poole, Rains, Rice, Sasser, Starr, Venable, White (G) and White (L).

—26

And the bill, H. 22 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 4.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and White (L).

—95

Nays: Reps. Beers, Gaston, Kvalheim and Zoghby.

—4

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 22:

Reps. Biddle, Black, Bugg, Clark (D), Clark (J), Crow, Davis, Dutton, Escott, Fuller, Grouby, Horn, Laird, McDowell, Marietta, Mathis, Melton, Onderdonk, Rogers, Spratt, Turner and Venable.

And the bill:

H. 21. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee,

McMillan, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—88

Nays: Reps. Campbell and Onderdonk.

—2

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 21:

Reps. Bachus, Beers, Biddle, Boles, Brakefield, Bryant, Clark (W), Cosby, Crow, Gray, Grayson, Grouby, Hettinger, Holmes, Hooper, Horn, Junkins, Lauderdale, Lindsey, McDowell, McKee, McNair, Melton, Nicholson, Payne, Perdue, Pratt, Rice, Spratt, Starr, Trammell, White (G) and White (L).

And the bill:

H. 10. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

Was taken up.

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 10:

Amend H.B. 10, Section 1, Page 2, line 28 by (adding) after the word meets

the following: or occupies.; also amend HB 10, section 1, page 2, line 31 by adding after the word "meets" the following on occupies

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melto, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill, H. 10, as thus amended, was read a third time at length

and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

And the bill:

H. 1. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and § 34-24-77, Code of Alabama, 1975; so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

And the bill:

H. 7. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsely, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 5. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE CONSTRUCTION OF A LEGISLATIVE OFFICE BUILDING.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after that title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 18. To provide that a convicted defendant in a misdemeanor case shall be required to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 19.

Yeas:

Mr. Speaker, Adams, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bugg, Burke, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Gaston,

Goodwin, Gray, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

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Nays:

Reps. Black, Bryant, Buskey (James), Buskey (John), Davis, Escott, Grayson, Holley, Holmes, Horn, Kennedy, McDowell, McNair, Melton, Perdue, Reed, Rogers, Spratt and Thomas.

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CO-SPONSOR WITHDRAWN

Rep. Holley withdrew his name as co-sponsor to the bill, H. 18.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 18:

Reps. Beers, Bugg, Clark (W), Coleman, Cosby, Dutton, Fuller, Gaston, Gray, Harper, Hooper, Kvalheim, Lauderdale, Marietta, Mathis, Newman, Onderdonk, Preuitt, Rains, Starr, White (F) and Zoghby.

And the bill:

H. 11. To amend Section 40-12-176, Code of Alabama, 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

Was taken up.

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 11:

In Section 1 of the quoted Section 40-12-176(p), on page 6, after line 14, add the following underlined language:

"It is further provided that any fees, penalties, fines or other collections made by the revenue department upon owners of coin-operated or self-service laundries prior to the date of this amendatory act shall be returned in full to such owners."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 102; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy,

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Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill, H. 11, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 102; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 11:

Reps. Carothers, Cosby, Hammett, Johnson (R.G.), Laird, Marietta, Mathis, Mitchell, Onderdonk, Parker, Rice, Sasser, Smith and White (F).

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. White (F), the rules were suspended in order to take up out of order the bill, H. 2.

And the bill:

H. 2. To amend Section 11-43-50, Code of Alabama 1975, so as to require that there shall be at least one regular meeting of the council, each month, in the towns of this state and to provide a procedure for additional regular meetings of the council, each month, at the option of the council of the town: to establish an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 103; nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray,

Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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CO-SPONSORS ADDED

Reps. Smith, McMillan and Richardson were added as co-sponsors to the bill, H. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Pearson, Sanders, Figures, and Bennett:

S. J. R. 10. COMMENDING DAVID VANCE OF BESSEMER, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. McDowell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 10, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Sen. Bishop:

S. J. R. 16. TO CREATE A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE ALABAMA AERONAUTICS COMMISSION.

WHEREAS, the legislature created the Alabama Aeronautics Commission in 1945 to regulate and assist the operation of rural airports in this State; and

WHEREAS, this commission is therefore a creature of the legislature and should be responsive to the directions and mandates of the legislature; and

WHEREAS, the legislature, in the Second Special Session 1983 created the position of Assistant Director of Aeronautics; and

WHEREAS, since the creation of this position by the legislature certain questions have been posed as to the wisdom of the legislature in creating this position; and

WHEREAS, the creation of this position by the legislature has through

the Director of the Aeronautics Commission been publicly criticized as unnecessary; and

WHEREAS, the Director of the Commission has called his opposition to the action of the legislature creating this position to the attention of the news media of this state instead of to the legislative body that created this position; and

WHEREAS, the legislature recognizes the need to inquire into and investigate the allegations of the Director as to whether the position of Assistant Director is necessary and whether the position is held by a qualified person, and

WHEREAS, the legislature deems it necessary and appropriate at this time to create a Joint Interim Committee to study and investigate all phases and activities of the Aeronautics Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Joint Interim Aeronautics Commission Committee which shall be composed of 3 members of the House appointed by the speaker and 3 members of the Senate appointed by the presiding officer of the Senate. The committee shall meet within ten days from the passage of this SJR and shall elect from among its membership a chairman and vice-chairman. The staff and facilities of the legislature shall be available to this committee and the chairman of the committee is authorized to call meetings and issue subpoenas for persons and documents to be caused to appear before said committee. There is hereby appropriated \$1,000 from the funds available for the legislature to be paid to the members of this committee when conducting committee business when the legislature is not in session at regular pay for members as though in session.

The committee shall make its findings known to the legislature by the last legislative day of the 1984 Regular Session at which time it shall stand dissolved.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 16, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 12. DEVELOPMENT OF CORRECTIONAL EDUCATION
IN NEW PRISONS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 12, the title of which is set out in the above and

foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 23. To reverse the numbers of House Districts 26 and 25 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 28. To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 103; nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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CO-SPONSORS ADDED

Reps. Preuitt, Bachus, Melton, Butler, Kvalheim, Grouby, Grimsley, Smith, Gray, Escott, Gaston, Davis, Rogers, Horn, Pratt, Holmes and Onderdonk were added as co-sponsors to the bill, H. 28.

And the bill:

H. 9. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may abolish or create a civil service system or other personnel board; to continue all rights, interest and privileges which certain employees have in any civil service or merit system within any such municipality; to prescribe that the provisions of this act shall be construed in pari materia with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

Was taken up.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Mitchem, Teague, Barron, Bedford, Menton, Smith (J), Bedsole, Foshee, and Bishop:

S. 9. To provide for a supplemental appropriation for the use of the Legislature and the Legislative Reference Service.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 9. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Covington (With Notice and Proof):

S. 22. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 22, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 22. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Covington (With Notice and Proof):

S. 23. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 23, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 23. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Teague, Mitchem, Goodwin, Foshee, Bedford, Little, and

Holmes:

S. 1. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time ad referred to appropriate Standing Committee as follows:

S. 1. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard (With Notice and Proof):

S. 18. To authorize, based on certain legislative findings, municipalities situated in counties having a population of 600,000 or more according to the last and any subsequent decennial census to alter and change water courses and to acquire, construct and develop wharves, warehouses, and other improvements related to the development and operation of river ports within a radius of twenty-five miles of the limits thereof in order to maximize the ability of such municipalities to promote the use of river and water transportation to take advantage of the transportation potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to authorize the acquisition of real property by eminent domain for the purposes of the Act; to authorize such municipalities to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds, to finance such river port facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such river port facilities, and to contract for joint construction and operation thereof; to make the provisions hereof severable; and to provide an effective date of the Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 18, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate

Standing Committee as follows:

S. 18. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Teague, Goodwin, and Foshee:

S. 2. To make a supplemental appropriation of \$78,000.00 to the Alabama Board of Nursing from the Alabama Board of Nursing Trust Fund for the fiscal year ending September 30, 1984.

Also:

By Senator Teague:

S. 3. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

Also:

By Senator Aldridge:

S. 6. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and § 34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Also:

By Senators Corbett, Bedsole, Little, Bailey, Foshee, Menton, Aldridge, deGraffenried, Parsons, Bedford, Pearson, Cabaniss, Sanders, Strong, Ellis, Goodwin, Holmes, Bishop, and Covington:

S. 19. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

Also:

By Senator Smith (J):

S. 12. To provide for the 1983 Taxpayer Convenience Act, by amending Section 40-7-2.1, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1 and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set in the above and foregoing Message from the Senate, were severally read one time and referred to ap-

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propriate Standing Committees as follows:

- S. 2. Ways and Means.
- S. 3. State Administration.
- S. 6. Health.
- S. 19. Highway Safety.
- S. 12. Ways and Means.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:00 P.M. on November 17, 1983.

- H. J. R. 10
- H. J. R. 12
- H. J. R. 7
- H. J. R. 8
- H. J. R. 9
- H. J. R. 14
- H. J. R. 15
- H. J. R. 17
- H. J. R. 18
- H. J. R. 21
- H. J. R. 22

JOHN W. PEMBERTON
Clerk.

ADJOURNMENT

On motion of Rep. Spratt and pursuant to the resolution, H. R. 25, heretofore adopted, the House adjourned until 6:00 o'clock p.m., Monday, November 21, 1983.

FOURTH DAY

House of Representatives
Montgomery, Alabama
Monday, November 21, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Nat Cremer, Pastor, Bethsalem Baptist Church, Billingsley, Alabama.

ROLL CALL

On a call of the roll the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammel, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the rules were suspended and the reading at length of the Journal of the House for the third legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Gaston, leave of absence was granted for Rep. Kvalheim.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 28. AMENDING ACT 79-816, SJR 172 (Acts of 1979, p. 1515) AS AMENDED SO AS TO ADD TWO MEMBERS.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 1. (With Amendment): To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar to-wit:

S. 2. To make a supplemental appropriation of \$78,000.00 to the Alabama Board of Nursing from the Alabama Board of Nursing Trust Fund for the fiscal year ending September 30, 1984.

S. 9. To provide for a supplemental appropriation for the use of the Legislature and the Legislative Reference Service.

S. 12. To provide for the 1983 Taxpayer Convenience Act, by amending Section 40-7-2.1, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1 and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 3. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

Rep. Carothers, Vice-Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 6. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and §34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 22. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to

Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

S. 23. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 19. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 35. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Monday, November 21, 1983, we adjourn to meet again on Tuesday, November 22, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 35, was adopted.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 35, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Tuesday, November 22, 1983.

FIFTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, November 22, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Hal E. McNeely, Assistant Pastor, Trinity Presbyterian Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the rules were suspended and the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

LEAVES OF ABSENCE

At the request of Rep. Gaston, leave of absence was granted for Rep. Kvalheim. At the request of Rep. Moore, leave of absence was granted for Reps. Bachus and Biddle.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 36. BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, November 22, 1983, we adjourn sine die.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 36, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Horn, leave of absence was granted for Rep. Seibels.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 37. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching the Calendar, the following bills in the order named by made the special, paramount and continuing order of business beginning November 22, 1983, taking precedence over any other business of the House until such time as said bills are disposed of:

All uncontested local bills

S. B. 1. Teague: Supplemental appropriation to Dept. of Corrections, Mental Health, etc., Page 3

S. B. 3. Teague: Custody and use of legislative offices outside the Capitol, Page 5

S. B. 2. Teague: Supplemental appropriation, Board of Nursing from Alabama Board of Nursing Trust Fund, Page 4

S. B. 9. Mitchem: Supplemental appropriation to Legislature and Legislative Reference Service, Page 4

S. B. 12. Smith: (J): 1983 Taxpayer Convenience Act, Page 5

S. B. 6. Aldridge: Alabama Board of Medical Examiners to accept test scores from Canada's Medical Licensure exam, Page 6

S. B. 19. Corbett: Blue reflective markers on fire/water hydrants, Page 7

On motion of Rep. Clark (J), the resolution, H. R. 37, was adopted.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Nicholson and Brakefield:

H. R. 38. HONORING VALLEY SCHOOL.

Also:

By Rep. Flowers:

H. R. 39. COMMENDING MR. SAM S. WILLIAMS OF TROY, ALABAMA.

Also:

The following resolution was introduced:

By Reps. Gray, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson,

Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 40. COMMENDING NASCAR CHAMPION, BOBBY ALLISON OF HUEYTOWN, ALABAMA.

WHEREAS, the Alabama Legislature joins with citizens statewide in expressing deep pride and sheer joy in Alabamian Bobby Allison's capture of the NASCAR Grand National Championship on November 20, 1983; and

WHEREAS, truly the "Olympic Gold" of stockcar racing, the NASCAR Title hinged on the Winston Western 500, and Mr. Allison's ninth-place finish was more than enough to clinch the Championship for Alabama's shining star; and

WHEREAS, Mr. Allison's race for the crown, however, was not without a myriad of problems which ran the gamut from rain-soaked track to tremendous pressure from two-time defending champion, Darrell Waltrip; and

WHEREAS, he also was plagued throughout the race with problems involving tires, vibration and fuel pressure, but was spectacularly triumphant in the end winning the title by a clear-cut 47 points over and above the next best season cumulative; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend and extend heartiest congratulations to Mr. Bobby Allison, the first and only Alabamian to bring home the NASCAR Grand National Championship.

BE IT FURTHER RESOLVED, That Mr. Allison be presented with a copy of this resolution in small token of our regard, and in admiration of his ascendance to the pinnacle of his profession.

On motion of Rep. Gray, the rules were suspended and the resolution, H. J. R. 40, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Rains, Bugg and Coleman:

H. R. 41. COMMENDING JOHN WISE OF BOAZ, ALABAMA, AS STATE 4-H ACHIEVEMENT PROJECT WINNER.

Also:

The following resolutions were introduced:

By Reps. Rains and Coleman:

H. J. R. 42. COMMENDING MR. GLENN L. MAZE UPON HIS APPOINTMENT AS DEAN OF INSTRUCTION AT SNEAD STATE JUNIOR COLLEGE.

WHEREAS, it is with pleased commendation, that the Alabama Legislature notes the recent appointment of Mr. Glenn L. Maze as Dean of Instruction at Snead State Junior College, Boaz, Alabama; and

WHEREAS, Mr. Maze, former chairman of the institution's Music De-

partment, served on the music faculty from 1950 to 1952 and from 1959 to the present; and

WHEREAS, during these tenures, Mr. Maze has been responsible for the development of a music program that is considered to be one of the more highly respected among our State's colleges; and

WHEREAS, he holds B.S.M.E. and M.A. Degrees from the University of Alabama and has completed course work for a Ph.D. in Music Education at Florida State University and for a doctorate in Higher Education at the University of Alabama; and

WHEREAS, in addition to his affiliation with a number of professional organizations, Mr. Maze also is a member of Civitan International, Mountain-Valley Council on the Arts and the Mountain-Valley Chorus; and

WHEREAS, Mr. Maze, Boaz Civitan Man of the Year for 1983, additionally serves as Minister of Music at Boaz First Baptist Church, a position he has held for some 23 years; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend sincere and commendatory congratulations to Mr. Glenn L. Maze upon his selection as Dean of Instruction at Snead State Junior College, and direct that he receive a copy of this resolution in small token of our warm praise and regard.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 42, was adopted.

Also:

By Reps. Rains and Coleman:

H. J. R. 43. COMMENDING MRS. LEE BRADY ON HER 102ND BIRTHDAY.

WHEREAS, Mrs. Lee Brady of Albertville, whose date of birth is September 12, 1881, was 102 on September 12, 1983; and

WHEREAS, she is recognized as Albertville's oldest living citizen; and

WHEREAS, much of Mrs. Brady's life has centered around the First Methodist Church of Albertville where she has been one of the most active members; and

WHEREAS, she was born in Randolph County, Georgia, and graduated from Scarritt College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature would like to congratulate and pay tribute to this great lady of Alabama upon reaching her 102nd Birthday, and extend her our wishes for her good health and happiness in the years to come.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 43, was adopted.

Also:

By Reps. Rains and Coleman:

H. J. R. 44. COMMENDING PAT COURINGTON, JR.

WHEREAS, Mr. Pat Courington, Jr., of Albertville, Alabama, has been elected president of Sand Mountain Newspapers, Incorporated, Sand

Mountain Broadcasting Service, Incorporated, and Sand Mountain Publishing Company, Incorporated, by the board of directors of these three corporations; and

WHEREAS, a prominent area citizen and civic leader, Mr. Courington is a native of Albertville and a graduate of Birmingham-Southern College; and

WHEREAS, Mr. Courington is indeed to be congratulated on his recent election to the presidency of this media group, and his selection by the board is a compliment to his obvious talent and ability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Pat Courington, Jr., for outstanding achievement and direct that he receive a copy of this resolution in expression of our sincere warm praise and regard.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 44, was adopted.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 28. AMENDING ACT 79-816, SJR 172 (Acts of 1979, p.1515)
AS AMENDED SO AS TO ADD TWO MEMBERS.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 10. COMMENDING DAVID VANCE OF BESSEMER, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

S. J. R. 16. TO CREATE A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE ALABAMA AERONAUTICS COMMISSION.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

And the bill:

S. 22. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

Was read a third time at length and passed.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Crow, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett, Hettinger, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Rains, Rice, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F.), White (G.), White (L.) and Zoghby.

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And the bill:

S. 23. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

Was read a third time at length and passed.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Ford, Fuller, Gaston,

Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Rice, Rogers, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F.), White (G.), White (L.) and Zoghby.

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MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace, returning to you, the house from which it originated, House Joint Resolution #12, without the Governor's signature and approval but with the following suggested Executive Amendment.

Done this 22nd day of November, 1983.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning herewith, to you, the body in which it originated, House Joint Resolution #12, without my signature and approval, but with a suggested Executive Amendment, which would make this bill acceptable to me.

I am making this Executive Amendment to this joint resolution based upon the following considerations:

This joint resolution was passed by both houses of the Legislature with almost unanimous vote. Since the joint resolution was delivered to my office last Thursday I have had considerable opportunity to hear the personal sentiments of individual legislators and to receive from the leaders of both houses of the legislature a consensus of opinion from the two houses. If I chose to veto this joint resolution it would be a popular political gesture that would be applauded by the general public, many of whom have urged a veto. On the other hand, I have determined that such veto, on my part, would be a futile and unrealistic gesture. I am satisfied that such veto would be overridden in both houses of the Legislature, which would result in no monetary savings to the State over the next three years. On the other hand, by making an adjustment in the resolution which will have the affect of reducing the rate of pay to a level which I believe the individual Legislators will feel is reasonably acceptable. Hopefully the Legislature will approve this reduction and a savings will result to the State of Alabama in the amount of approximately \$518,000 over the next three years.

I would again urge the Legislature to consider, as statesmen, my recom-

mendation that they submit to a vote of the people, a proposal for biennial sessions of the Legislature. My reasons for this are simple. It could result in a savings to the State of Alabama that has been approximated somewhere between \$8,000,000 and \$10,000,000, which in turn might solve Alabama's problem with Medicaid funding.

For the reasons stated above, and for other related reasons, I offer the following Executive Amendment:

EXECUTIVE AMENDMENT TO H. J. R. # 12

Amend H. J. R. # 12, paragraph 2, line 22, by deleting the word "three" and by substituting therefore the word "two" and by deleting the figures "300.00" and substituting therefore the figures "200.00."

The adoption of the above and foregoing suggestive Executive Amendment will remove my objections to this Bill.

Done this 22nd day of November, 1983.

Respectfully,

GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Boles, the House concurred in and adopted viva voce the amendment proposed by His Excellency, the Governor, to the resolution, H. J. R. 12, said Governor's amendment being set out in the above and foregoing Message from the Governor.

And the resolution, H. J. R. 12, as amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed, viva voce.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 5. Relating to Morgan County; amending further Sections 3, 5, 7, 8, 9, 10, 13, 14 and 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), as amended, creating the Municipal Utilities Board of Decatur, so as to provide further for the organization, membership, administration and general operations of such board and the compensation of the members of such board and to repeal Sections 17 and 19 of said Act, as amended.

Also:

H. 14. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

Also:

H. 15. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in

Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

Also:

H. 27. To amend Title 12-13-41, describing the duties of the Probate Judges generally, Code of Alabama 1975 so as to allow the Probate Judge of Elmore County, Alabama to have one general index book relative to transactions in the Probate Office of Elmore County.

McDOWELL LEE,
Secretary.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

S. 1. (With Amendment): To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Senate Bill 1 on page 2 by inserting after line 12 the following sub-section:

"(a) Department of Corrections - Capital outlay for
construction of prisons \$1,000,000

(To be conditioned on the availability of funds and
the approval of the Governor.)"

Further amend Senate Bill 1 by relettering the subsequent sub-sections accordingly.

And the amendment was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D.), Clark (J.), Clark (W.),

Coburn, Coleman, Cosby, Crow, Davis, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson, (Roy), Junkins, Kennedy, Laird, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G.), White (L.) and Zoghby.

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And the bill, S. 1 as thus amended, was read a third time at length and passed.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F.), White (G.), White (L.) and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Rep. McKee:

H. J. R. 45. WHEREAS, Mr. Tal Eaton, Cameraman Cum Laude, and photographer phenomenal for WSFA-TV has diligently documented the proceedings of Alabama's august law-making assembly for, lo, these many years, since 1965, immortalizing the illustrious emanations on celluloid and capturing the cacophonous carnivalities on tape;

WHEREAS, Mr. Eaton has braved hail, sleet, snow, and vapor to suffer through:

morning machinations,
afternoon alliterations,
twilight titillations,
midnight naunderings,
desultory dissertations,
disparaging deductions,
dyspeptic dodderings,
discordant disputations,
strangulated superlatives,

surreptitious shenanigans,
stonewalling sesquipedalians,
disdainful demagogues,
forensic fulminations,
futile filibusters,

and every now and then, a plain and prudent word;

NOW BE IT THEREFORE RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mr. Tal Eaton for his many years of devoted service above and beyond the call of sane and rational duty;

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Eaton as a token of the sincere esteem in which he is held by those whom he has immortalized - the Alabama Legislature and other dignitaries of our beloved State.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 45, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 45:

Mr. Speaker, Albright, Blake, Blakeney, Brooks, Browder, Buskey (James), Buskey (John), Clark (W.), Fuller, Goodwin, Gray, Hammett, Harvey, Holley, Hooper, Johnson (Roy), Junkins, Lauderdale, McMillan, Mikell, Newman, Nicholson, Onderdonk, Payne, Penry, Preuitt, Smith, Starr, Trammell, Turnham, Venable, Warren, White (F.) and Zoghby.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Aldridge:

S. J. R. 23. COMMENDING THE HARTSELLE FIREFIGHTERS ON THEIR RECENT NOMINATION FOR THE 1983 PRESIDENT'S VOLUNTEER ACTION AWARD.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 23, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Figures:

S. J. R. 22. MOURNING THE DEATH OF MRS. MARTHA LORRAINE SYKES HAMILTON OF MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Zoghby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 22, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Cooley:

S. J. R. 21. CREATING THE CULLMAN COUNTY ELECTED OFFICIALS SALARY COMMISSION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 21, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 17. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (b) to pay four-tenths of the road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (c) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain county facilities (as defined herein), to be secured by a pledge of (i) one-half of the said special ad valorem tax, (ii) four-tenths of said road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, and (iii) such other taxes levied by Randolph County as the governing body of Randolph County shall determine; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternative method of the submission of cer-

tain proposed Amendments) are inapplicable to this proposed Amendment.

McDOWELL LEE
Secretary.

SENATE MESSAGE

On motion of Rep. Laird, the House concurred in and adopted the Senate amendment to the bill, H. 17, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (b) to pay four-tenths of the road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (c) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain county facilities (as defined herein), to be secured by a pledge of (i) one-half of the said special ad valorem tax, (ii) four-tenths of said road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, and (iii) such other taxes levied by Randolph County as the governing body of Randolph County shall determine; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternative method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is hereby proposed:

“(A) As used in this Amendment, the following terms shall be given the following respective meanings:

“Costs of County Facilities” means the costs of acquiring, providing, constructing and equipping new County Facilities, renovating, reconstructing, improving, enlarging or equipping any existing County Facilities or any combination thereof.

“County” means Randolph County, Alabama.

“County Facilities” means (a) any land, building, equipment and any other facility or facilities necessary or useful in the housing, confinement, detention, feeding, treatment, rehabilitation or training of persons held in lawful custody, and (b) any land, building, equipment or other facility useful as a county courthouse building.

“County Facilities Building Fund” means the County Facilities Building Fund to be established by the County pursuant to the provisions hereof for the purpose of receiving certain tax receipts required by the provisions hereof to be paid therein.

"Existing Ad Valorem Tax" means the two and one-half mill road, bridge and public building ad valorem tax authorized to be levied by the County pursuant to Section 215 of the Constitution.

"Related Securities" means any bonds or warrants, including refunding bonds or warrants, issued for purposes for which Securities may be issued hereunder after the effective date of this Amendment under the provisions of any other amendment to the Constitution or statute, provided that the governing body of the County in the proceedings authorizing the issuance of such bonds or warrants has pledged for the payment of such bonds or warrants those moneys required by the provisions hereof to be paid into the County Facilities Building Fund.

"Securities" means any bonds or warrants, including refunding bonds or warrants, issued by the County under the provisions of this Amendment.

"Special Ad Valorem Tax" means the special county hospital ad valorem tax authorized to be levied by the County pursuant to Amendment No. 72 to the Constitution.

"Special Taxes" means the Special Ad Valorem Tax and the Existing Ad Valorem Tax.

(B) The County is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes collected with respect to the tax year that began October 1, 1982, one-half of the tax receipts derived from the levy of the Special Ad Valorem Tax into the County Facilities Building Fund. The County shall discontinue paying such tax receipts into the County Facilities Building Fund when all of the Securities issued hereunder and any Related Securities issued by the County have been paid in full, or when the County shall have expended the sum of \$1,500,000 out of the County Facilities Building Fund to pay Costs of County Facilities, whichever shall last occur.

(C) The County is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes collected with respect to the tax year that began October 1, 1982, four-tenths of the tax receipts derived by the County from the levy of the Existing Ad Valorem Tax into the County Facilities Building Fund. The County shall discontinue paying such tax receipts into the County Facilities Building Fund when all of the Securities issued hereunder and any Related Securities issued by the County have been paid in full, or when the County shall have expended the sum of \$1,500,000 out of the County Facilities Building Fund to pay Costs of County Facilities, whichever shall last occur.

(D) The County is hereby authorized and directed to establish the County Facilities Building Fund for the purpose of receiving the moneys required to be paid therein by the provisions hereof and any other tax receipts or other moneys of the County that the County may determine to pay therein. Funds on deposit in the County Facilities Building Fund shall be used to pay Costs of County Facilities, up to an amount not exceeding \$1,500,000, and to pay principal of and interest and premium, if any, on (1) Securities issued hereunder to finance Costs of County Facilities and (2) Related Securities issued to finance Costs of County Facilities.

(E) The County is hereby authorized to sell and issue from time to time its Securities, not exceeding \$1,500,000 in aggregate principal amount, for the purpose of financing Costs of County Facilities and to pledge for payment of the Securities the portions of the Special Taxes required to be

paid into the County Facilities Building Fund.

For the purpose of refunding any Securities, including refunding Securities issued under the provisions of this Amendment, whether the refunding shall occur before, at or after the maturity of the Securities refunded and for the purpose of paying all premiums and expenses of the refunding (including, without limitation, attorneys' fees, costs of printing the refunding Securities, fiscal agents' fees, and accountants' fees), the County is hereby authorized to sell and issue from time to time refunding Securities in an aggregate principal amount not exceeding the sum of (a) the outstanding principal amount of the Securities to be refunded, (b) the interest (accrued or to accrue) to the respective maturities of the Securities to be refunded, or if the Securities to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the Securities to be refunded to the date or dates on which they are to be called for redemption, (c) the amount of any redemption premium required, by the terms of the Securities, to be paid as a condition to their redemption prior to their respective maturities, and (d) the amount of any expenses (actual or estimated) of such refunding.

The Securities issued hereunder may but need not be general obligations of the County, but shall be secured by the portions of the Special Taxes pledged for their payment in the proceedings of the County whereunder the Securities are authorized to be issued and required to be paid into the County Facilities Building Fund.

All Securities issued under this Amendment may be in such form and denominations and of such tenor and maturities, may bear interest at such rate or rates, payable at such time or times, not exceeding thirty (30) years from their date, may be sold at public or private sale and may contain such provisions not inconsistent with this Amendment as shall be provided in the proceedings of the governing body of the County whereunder such Securities are authorized to be issued. The power to pay, as required herein, the portions of the Special Ad Valorem Tax and the Existing Ad Valorem Tax into the County Facilities Building Fund and the power to issue the Securities shall be in addition to all other powers which the County may have under this Constitution and the laws of Alabama. The indebtedness evidenced by the Securities issued under this Amendment shall be in addition to all other indebtedness authorized to be incurred by the County and shall not be charged against the limitation on the indebtedness of the County provided for in Section 224 of the Constitution.

(F) The County is hereby authorized to pledge for payment of principal of and interest (and premium, if any) on Related Securities the portions of the Special Taxes required to be paid into the County Facilities Building Fund.

(G) It is the intention hereof that the governing body of the County shall pay one-half of the revenues from the Special Ad Valorem Tax and four-tenths of the revenues from the Existing Ad Valorem Tax (subject only to prior pledges of and agreements pertaining to either thereof) as shall, together with any other moneys paid into the County Facilities Building Fund, be sufficient to provide funds to make available County Facilities for the County, either directly through payment of Costs of County Facilities or through payment of the principal of and interest (and premium, if any) on the Securities authorized to be issued hereunder and on any Related Securities that may be issued by the County for the purpose of paying Costs of

County Facilities, all to the end that adequate County Facilities will be available in the County. Proceeds of the Special Taxes paid into the County Facilities Building Fund that are not needed within 12 months of the date of such payment to pay principal of and interest on Securities issued hereunder or on Related Securities or to refund Securities shall be used to pay costs of constructing and maintaining the County Facilities herein provided for, or to purchase and retire Securities or Related Securities or to call Securities or Related Securities for redemption prior to the maturity thereof.

(H) The provisions of this Amendment shall be self-executing, and authorization from or any other action by the Legislature shall not be a prerequisite to the issuance of the Securities hereunder or to the use of the proceeds of the Special Taxes as provided herein; provided, however, that the provisions of this Amendment shall not become operative unless approved by a majority of the qualified electors of the County who vote thereon at a referendum election held for such purpose upon the call of the County Commission, and provided further, that if this amendment is approved by the qualified electors of the County who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no further election need be called.

(I) It is hereby specifically declared that this Amendment is not being proposed pursuant to the provisions of that certain amendment to the Constitution (known as Amendment No. 425) that was proposed by Act No. 82-330 adopted at the 1982 Regular Session of the Legislature of Alabama, and provisions of the said Amendment 425 are hereby declared to be inapplicable to this Amendment.

Section 2. An election upon the proposed amendment is ordered to be held at the first statewide primary, general or special election after the expiration of three (3) months from the final adjournment of the session of the Legislature at which this bill is enacted. The election shall be held in accordance with the provisions of Section 284, as amended, and Section 285 of the Constitution of Alabama of 1901 and Title 17, Chapter 17, Code of Alabama of 1975.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in every county in the state for four successive weeks next preceding the day herein appointed, in a newspaper published in each such county; provided that in any county in which there may be no newspaper published, the proclamation shall be published by posting, for a period of not less than four consecutive weeks next preceding the day so appointed, a copy of the said proclamation at each courthouse in the said county. A newspaper shall be deemed to be published in a county, within the meaning of this section, if its principal editorial office is located in that county.

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McMillan,

Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F.), White (G.), White (L.) and Zoghby.

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And the bill, H. 17 as thus amended, was again read at length and passed.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Carter, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Flowers, Ford, Fuller, Gaston, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F.), White (G.), White (L.) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bailey and Covington:

S. J. R. 26. HONORING MICKEY MOUSE FOR 55 YEARS OF MERRIMENT.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 26, the title of which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 21. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

Also:

H. 10. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

Also:

H. 28. To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

Also:

H. 23. To reverse the numbers of House Districts 26 and 25 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

S. 3. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

Was taken up.

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, S. 3:

Amend S. B. 3, Section 1, Page 2, line(s) 28 & 31 by adding after the word

"meets" the following:

or occupies.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson Grimsley, Grouby, Hammett, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Pratt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F.), White (G.), White (L.) and Zoghby.

And the bill, S. 3 as thus amended, was read a third time at length and passed.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey, (James), Buskey, (John), Butler, Campbell, Carothers, Carter, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Hooper, Horn, Johnson, (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F.), White (G.), White (L.) and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Coburn, Rule 24 was suspended in order to return the bill, S. 1, to the Senate.

And the bill:

S. 2. To make a supplemental appropriation of \$78,000.00 to the Alabama Board of Nursing from the Alabama Board of Nursing Trust Fund for the fiscal year ending September 30, 1984.

Was read a third time at length and passed.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Cosby, Crow, Davis, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Pratt, Preuitt, Rains, Rice, Richardson, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G.), White (L.) and Zoghby.

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And the bill:

S. 9. To provide for a supplemental appropriation for the use of the Legislature and the Legislative Reference Service.

Was taken up.

On motion of Rep. Coburn, Rule 24 was suspended and the bill, S. 9, was read a third time at length and passed, and returned to the Senate.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Boles, Bowling, Box,

Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F.), White (G.), White (L.) and Zoghby.

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And the bill:

S. 12. To provide for the 1983 Taxpayer Convenience Act, by amending Section 40-7-2.1, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1 and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

Was read a third time at length and passed.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F.), White (G.), White (L.) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 2. JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA 1983.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

S. 6. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and § 34-24-77, Code of Alabama, 1975, so as to permit

the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Was read a third time at length and passed.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F.), White (G.), White (L.) and Zoghby.

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S. 19 TEMPORARILY POSTPONED

On motion of Rep. Johnson (Roy), the bill, S. 19, was temporarily postponed.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Turnham and Smith: Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 46. MOURNING THE DEATH OF MR. J. F. INGRAM.

WHEREAS, the entire State of Alabama suffered a great loss in the death of Mr. J. F. Ingram on Saturday, November 19, 1983; and

WHEREAS, Mr. Ingram gave more than fifty-two years of service to vocational education in the State of Alabama; and

WHEREAS, Mr. Ingram was lovingly recognized as the "Father of Vocational Education" in Alabama; and

WHEREAS, Mr. Ingram served as State Director of Vocational Education from 1961 to 1970; and

WHEREAS, while serving as President of the American Vocational Association during 1956, he was selected by the President of the United States to represent our nation in Paris, France, at an International Conference comprised of representatives from seventeen countries for the study of vocational education; and

WHEREAS, he was honored with the designation, in his name, of the J. F. Ingram State Technical College where he continued to serve as a member of its Advisory Council and as a consultant until his death; and

WHEREAS, he was a charter member of Iota Lambda Sigma, an honorary vocational education fraternity, as well as the St. James Methodist Church in Montgomery, Alabama, and continued to serve faithfully and nobly until his death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby convey great sympathy and compassion to Mr. Ingram's family for their great loss.

BE IT FURTHER RESOLVED, That the Legislature wishes for the family to know that all of the State of Alabama feel the great loss at the passing of this outstanding Alabamian.

RESOLVED FURTHER, That copies of this Resolution be forwarded to Mrs. J. F. Ingram, Mr. J. Frederic Ingram, and J. F. Ingram State Technical College.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 46, was adopted.

Also:

By Reps. Reed and Kennedy:

H. J. R. 47. REQUESTING A MOMENT OF SILENCE ON BEHALF OF JOHN F. KENNEDY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislative body stand for a moment of silence in recognition of the 20th Anniversary of the assassination of John F. Kennedy, the 35th President of the United States.

On motion of Rep. Reed, the rules were suspended and the resolution, H. J. R. 47, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 47:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D.), Clark (J.), Coleman, Cosby, Crow, Davis, Escott, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Pratt, Rains, Rice, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (G.) and Zoghby.

REPORT ON THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 10. To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

Also:

H. 21. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

Also:

H. 23. To reverse the numbers of House Districts 26 and 25 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

Also:

H. 28. To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 5. Relating to Morgan County; amending further Sections 3, 5, 7, 8, 9, 10, 13, 14 and 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), as amended, creating the Municipal Utilities Board of Decatur, so as to provide further for the organization, membership, administration and general operations of such board and the compensation of the members of such board and to repeal Sections 17 and 19 of said Act, as amended.

Also:

H. 14. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to

Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

Also:

H. 15. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

Also:

H. 27. To amend Title 12-13-41, describing the duties of the Probate Judges generally, Code of Alabama 1975 so as to allow the Probate Judge of Elmore County, Alabama to have one general index book relative to transactions in the Probate Office of Elmore County.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Pratt:

H. R. 48. COMMENDING MR. AND MRS. JESSIE MILTON CRUMPTON OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

RECESS

On motion of Rep. Johnson (Roy), the House stood in recess to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 7. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

H. 1. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and § 34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 2. To amend Section 11-43-50, Code of Alabama 1975, so as to require that there shall be at least one regular meeting of the council, each month, in the towns of this state and to provide a procedure for additional regular meetings of the council, each month, at the option of the council of the town; to establish an effective date.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Resolution:

H. J. R. 12. TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

by a majority of the whole number elected to the Senate, said vote being Yeas 26, Nays 4.

And said Resolution, H.J.R. 12, as amended by the Executive amendment, was again read at length and adopted by a majority of the whole number elected to the Senate, said vote being Yeas 17, Nays 13.

And said Resolution, H.J.R. 12, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 19. DESIGNATING A PORTION OF ALABAMA HIGHWAY 87 AS THE "SHERIFF NEIL GRANTHAM DRIVE."

Also:

H. J. R. 29. COMMENDING MR. AND MRS. EVERETTE SIMS ON THEIR 73RD WEDDING ANNIVERSARY.

Also:

H. J. R. 30. COMMENDING MR. AND MRS. JAMES H. BROCK ON THEIR 72ND WEDDING ANNIVERSARY.

Also:

H. J. R. 33. COMMENDING MR. AND MRS. CHARLIE HALLMAN OF GUNTERSVILLE, ALABAMA, FOR OUTSTANDING CONTRIBUTION TO JACKSONVILLE STATE UNIVERSITY.

Also:

H. J. R. 34. COMMENDING SMITH LAKE CIVIC ASSOCIATION.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

S. 19. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

Which previously had been temporarily postponed, was read a third time at length and passed.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (James), Butler, Campbell, Carothers, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, White (F.), White (L.) and Zoghby.

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Nay: Rep. Holley.

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RESOLUTIONS

The following resolutions were introduced:

By Reps. Albright, Boles, Hettinger, Adams, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 49. EXPRESSING THE LEGISLATURE'S SUPPORT OF HOUSE CONCURRENT RESOLUTION 209, CO-SPONSORED BY CONGRESSMAN RONNIE FLIPPO.

WHEREAS, on November 8, 1983, House Concurrent Resolution 209 was introduced in the Congress and was co-sponsored by Alabama Congressman Ronnie Flippo of Florence; and

WHEREAS, House Concurrent Resolution 209 expressed the sense of the Congress that, beginning in 1984, sessions of the United Nation's General Assembly should be held an equal number of days in New York City and in Moscow; and

WHEREAS, this resolution was prompted, among other reasons, in view of the trend of an increasing number of supposedly non-aligned members of the United Nations to consistently side with the Soviet Union, both in voice and in vote, against the United States; and

WHEREAS, while enjoying the pleasures, freedom and comfort afforded UN delegates in the United States—which incidentally is the organization's primary financial supporter—this motley alliance of international riffraff apparently thrives on tirades against our nation, constantly engaging in criticism of the United States and its people; and

WHEREAS, if for no reason other than to serve as a basis for comparison between a life to be enjoyed in a free democracy and one to be endured behind the Iron Curtain, we wholeheartedly concur that the United Nations should indeed initiate a move, in 1984, to meet in sessions equally divided between the Big Apple and Red Square; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby voice united support of House Concurrent Resolution 209 and direct that by copy of this resolution each member of Alabama's Congressional Delegation shall be informed of the sentiment herein expressed.

On motion of Rep. Albright, the rules were suspended and the resolution, H. J. R. 49, was adopted.

Also:

By Reps. Albright, Boles, Adams, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter,

Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 50. EXPRESSING THE LEGISLATURE'S SUPPORT OF HOUSE CONCURRENT RESOLUTION 209, CO-SPONSORED BY CONGRESSMAN RONNIE FLIPPO.

WHEREAS, on November 8, 1983, House Concurrent Resolution 209 was introduced in the Congress and was co-sponsored by Alabama Congressman Ronnie Flippo of Florence; and

WHEREAS, House Concurrent Resolution 209 expressed the sense of the Congress that, beginning in 1984, sessions of the United Nation's General Assembly should be held an equal number of days in New York City and in Moscow; and

WHEREAS, this resolution was prompted, among other reasons, in view of the trend of an increasing number of supposedly non-aligned members of the United Nations to consistently side with the Soviet Union, both in voice and in vote, against the United States; and

WHEREAS, while enjoying the pleasures, freedom and comfort afforded UN delegates in the United States—which incidentally is the organization's primary financial supporter—this motley alliance of international riffraff apparently thrives on tirades against our nation, constantly engaging in criticism of the United States and its people; and

WHEREAS, if for no reason other than to serve as a basis for comparison between a life to be enjoyed in a free democracy and one to be endured behind the Iron Curtain, we wholeheartedly concur that the United Nations should indeed initiate a move, in 1984, to meet in sessions equally divided between the Big Apple and Red Square; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, STATE OF ALABAMA, That we hereby voice united support of House Concurrent Resolution 209 and direct that by copy of this resolution each member of Alabama's Congressional Delegation shall be informed of the sentiment herein expressed.

On motion of Rep. Albright, the rules were suspended and the resolution, H. R. 50, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 2. To make a supplemental appropriation of \$78,000.00 to the Alabama Board of Nursing from the Alabama Board of Nursing Trust Fund for

the fiscal year ending September 30, 1984.

Also:

S. 6. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and § 34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Also:

S. 9. To provide for a supplemental appropriation for the use of the Legislature and the Legislative Reference Service.

Also:

S. 12. To provide for the 1983 Taxpayer Convenience Act, by amending Section 40-7-2.1, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1 and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

Also:

S. 22. To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

Also:

S. 23. Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

Also:

S. J. R. 21. CREATING THE CULLMAN COUNTY ELECTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 22. MOURNING THE DEATH OF MRS. MARTHA LORRAINE SYKES HAMILTON OF MOBILE, ALABAMA.

Also:

S. J. R. 23. COMMENDING THE HARTSELLE FIREFIGHTERS ON THEIR RECENT NOMINATION FOR THE 1983 PRESIDENT'S VOLUNTEER ACTION AWARD.

Also:

S. J. R. 26. HONORING MICKEY MOUSE FOR 55 YEARS OF MERRIMENT.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 17. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (b) to pay four-tenths of the road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (c) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain county facilities (as defined herein), to be secured by a pledge of (i) one-half of the said special ad valorem tax, (ii) four-tenths of said road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, and (iii) such other taxes levied by Randolph County as the governing body of Randolph County shall determine; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternative method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 2. RELATIVE TO THE ADOPTION OF THE JOINT RULES OF THE ALABAMA LEGISLATURE.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 1. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and § 34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Also:

H. 2. To amend Section 11-43-50, Code of Alabama 1975, so as to require that there shall be at least one regular meeting of the council, each month, in the towns of this state and to provide a procedure for additional regular meetings of the council, each month, at the option of the council of the town; to establish an effective date.

Also:

H. 7. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

H. J. R. 19. DESIGNATING A PORTION OF ALABAMA HIGHWAY 87 AS THE "SHERIFF NEIL GRANTHAM DRIVE."

Also:

H. J. R. 29. COMMENDING MR. AND MRS. EVERETTE SIMS

ON THEIR 73RD WEDDING ANNIVERSARY.

Also:

H. J. R. 30. COMMENDING MR. AND MRS. JAMES H. BROCK ON THEIR 72ND WEDDING ANNIVERSARY.

Also:

H. J. R. 33. COMMENDING MR. AND MRS. CHARLIE HALLMAN OF GUNTERSVILLE, ALABAMA, FOR OUTSTANDING CONTRIBUTION TO JACKSONVILLE STATE UNIVERSITY.

Also:

H. J. R. 34. COMMENDING SMITH LAKE CIVIC ASSOCIATION.
And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 12. TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

And finds same correctly enrolled with Executive Amendment.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Reps. Reed and Kennedy:

H. R. 51. REQUESTING A MOMENT OF SILENCE ON BEHALF OF JOHN F. KENNEDY.

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That this legislative body stand for a moment of silence in recog-

dition of the 20th Anniversary of the assassination of John F. Kennedy, the 35th President of the United States.

On motion of Rep. Reed, the rules were suspended and the resolution, H. R. 51, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S. J. R. 41. RECOGNIZING PARTICIPANTS IN THE AUBURN UNIVERSITY BLOOD DRIVE AND ENCOURAGING LIKE PARTICIPATION, STATEWIDE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 41, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Dial, Teague, and Holmes:

S. J. R. 24. COMMENDING BOBBY ALLISON.

Also:

By Senators Drinkard, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague.

S. J. R. 40. COMMEMORATING THE DEATH OF PRESIDENT JOHN FITZGERALD KENNEDY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 24 and S. J. R. 40, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Cooley:

S. J. R. 37. COMMENDING COACH JOE SHULTS OF CULLMAN, ALABAMA.

Also:

By Senator Cooley:

S. J. R. 38. COMMENDING DR. W. CHARLES OLIVER, A RETIRING DISTRICT SUPERINTENDENT OF THE CHURCH OF THE NAZARENE.

Also:

By Senators Cooley, deGraffenried, Bishop, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Cabaniss, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague.

S. J. R. 39. COMMENDING DR. WILLIAM R. BENNETT UPON HIS RETIREMENT FROM THE UNIVERSITY OF ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Bowling, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 37, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 38, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 39, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Sen. Menton:

S. J. R. 6. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE IMPACT OF THE COMPLETION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House of Representatives to be appointed by the Speaker and four members of the Senate to be appointed by the Lieutenant Governor. The committee shall study all aspects of the impending completion of the Tennessee-Tombigbee Waterway including the impact that its completion shall have on the State of Alabama. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$10,000.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turner, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 6, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 16. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for payment of Attorney General's fine as assessed by Federal Court; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Coburn, the House concurred in and adopted the Senate amendment to the bill, H. 16, said Senate amendment being as follows:

Amend House Bill 16 on page 1, lines 10 and 11 by deleting the words "for payment of Attorney General's fine as assessed by Federal Court;"

Further amend House Bill 16 on page 1, lines 22 and 23 by deleting the words "for payment of Attorney General's fine as assessed by Federal Court;"

Further amend House Bill 16 on page 2 by deleting lines 2-4 in their entirety.

Further amend House Bill 16 on page 2 by deleting "(d)" on line 5 and inserting in lieu thereof "(c)".

Further amend House Bill 16 on page 2 by deleting lines 15-18 in their entirety and inserting in lieu thereof the words "(To be conditioned on the availability of funds and the approval of the Governor.)".

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Turner, Venable, Warren, White (F.), White (G.), White (L.) and Zoghby.

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On motion of Rep. Coburn, Rule 24 was suspended and the bill.

H. 16. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

As thus amended, was again read at length and passed.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Turner, Venable, Warren, White (F.), White (G.), White (L.) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 11. To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the House concurred in and adopted the Senate amendment to the bill, H. 11, said Senate amendment being as follows:

Amend H. B. 11 Page 6 Line 18 by inserting

Section 3.

The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Turner, Venable, Warren, White (F.), White (G.), White (L.) and Zoghby.

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And the bill, H. 11 as thus amended, was again read at length and passed.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (F.), White (G.), White (L.) and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 11:

Mr. Speaker, Albright, Beers, Blake, Bowling, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Clark (D.), Coburn, Coleman, Davis, Ford, Fuller, Gaston, Goodwin, Grimsley, Grouby, Harvey, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Smith, Spratt, Starkey, Thomas,

Turner, Warren, White (F.), White (G.) and Zoghby.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 18. To provide that a convicted defendant in a misdemeanor case shall be required to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Adams, the House concurred in and adopted the Senate amendment to the bill, H. 18, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To provide that certain convicted defendants in misdemeanor cases shall be required to pay certain court costs which shall be used to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

Be It Enacted by the Legislature of Alabama:

Section 1 (a)(1). A court shall require a convicted defendant in a misdemeanor case to pay housing, maintenance and medical costs associated with that defendant's incarceration in a county or city jail except as otherwise provided herein. Such costs shall not exceed twenty dollars (\$20.00) per day that the defendant has been incarcerated plus actual medical expenses incurred on behalf of the defendant. Such costs shall be taxed as costs of court and shall be in addition to any and all other costs of court.

(2) At the time of sentencing such defendant may petition the court for remission of the payment of these costs or of any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or his immediate family, the court may remit all or part of the amount due in such costs.

(3) In determining the amount and method of payment of these costs, the court shall take into account the financial resources of the defendant and the nature of the burden that payment of the costs will impose. A defendant who has been ordered to pay the housing, maintenance and medical costs and who is not in contemptuous default in the payment thereof may at any time petition the court which sentenced him for remission of the payment of these costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or his immediate family, the court may remit all or part of the amount due in such costs or modify the method of payment.

(b)(1) When a defendant is ordered to pay housing, maintenance and medical costs, the court may grant permission for payment to be made in a

specified period of time or in specified installments. If permission is not included in the order these costs shall be payable forthwith.

(2) When a defendant ordered to pay housing, maintenance and medical costs is also placed on probation or imposition or execution of sentence is suspended the court may make payment of the costs a condition of probation or suspension of sentence.

(c) A default in the payment of the housing, maintenance and medical costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment.

(d) Moneys collected for the housing, maintenance and medical costs of a convicted defendant in a misdemeanor case shall be collected by the clerk of the sentencing court and shall be payable to the county or city in whose jail the defendant was incarcerated.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Campbell, Carothers, Clark (D.), Clark (J.), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Rogers, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, White (F.), White (G.), White (L.) and Zoghby.

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Nay: Rep. Grayson.

—1

And the bill:

H. 18. To provide that certain convicted defendants in misdemeanor cases shall be required to pay certain court costs which shall be used to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

As thus amended, was again read at length and passed.

Yeas 70; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Campbell, Carothers, Clark (D.), Clark (J.), Coleman, Cosby, Crow, Davis, Dutton, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Rogers, Smith, Spratt, Starkey, Starr, Trammell,

Turner, Venable, White (F.), White (G.), White (L.) and Zoghby.

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Nays: Reps. Grayson and Holley.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 22. To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Campbell, the House concurred in and adopted the Senate amendment to the bill, H. 22, said Senate amendment being as follows:

Amend House Bill 22, Section 5, Page 2, Line 32 after the word "notice" by inserting the following and striking the remainder of the Section:

"Provided, however, before an inmate can come under the SIR program, the victim who has received physical injury or bodily harm as a result of the crime for which the inmate was incarcerated shall receive notice in the form of a letter from the District Attorney or prosecuting attorney at the last known address, one week prior to the inmate going on the SIR program. Provided, further, the District Attorney or prosecuting attorney involved in prosecution of said inmate shall receive written notice from the Department of Corrections in the form of a certified letter two weeks prior to the inmate going on the SIR program.

"If the victim has received physical injury or bodily harm as a result of the offense, the district attorney or his assistant may represent the victim in communicating his or her objections to the commissioner of the Department of Corrections."

Amend Senate Bill No. 22 on Page 2 Lines 20-24 by striking out lines 20-24 and by inserting in lieu thereof the following:

"However, no inmate who has ever been convicted of murder, kidnapping in the first degree, rape in the first degree, sodomy in the first degree, arson in the first degree, selling or trafficking in controlled substances, robbery in the first degree, burglary in the first degree, sexual abuse in the first degree or assault in the first degree if said assault leaves the victim permanently disfigured or disabled."

Amend House Bill No. 22 as subst. Page 1 Line 30, by inserting after the word "person" the following:

"who has served at least 90 days in a State penal facility"

Amend Senate Committee Substitute to House Bill 22 as last amended and substituted on page 4, Section 12, line 11, before the word "return" by inserting the word:

"willfully"

To further amend H. B. 22 on page 4, line 12, after the word "commissioner" by inserting the words:

"or his agent"

To further amend H. B. 22 on page 4, line 13, by deleting the word "department" and inserting in lieu thereof the words:

"a penal facility"

Amend Senate Judiciary Substitute to House Bill 22 by deleting Section 6 thereof in its entirety which begins on page 3, line 4 and continues on page 3 through line 14 inserting in lieu thereof the following:

"SECTION 6. When an inmate is placed in the supervised intensive restitution program, and has been ordered by a court of this state to make restitution to his victim, it shall be made a condition of his participation in the program that he make restitution payments to the victim until the restitution is paid in full. Where restitution to the victim has not been ordered by a court of this state as part of an inmate's sentence, the Commissioner may require, as a condition of the inmate's participation in the program, that the inmate agree to an amount of restitution to be paid to the victim through the circuit clerk of the county where the crime was committed which amount shall be set by the Commissioner. Any funds not paid out or which are unclaimed after twelve months shall be transferred by the circuit clerk having custody thereof to the State General Fund. The supervising correctional officer will see that a schedule of payment of restitution is established and continued until paid in full."

Amend House Bill No. 22 as substituted and amended Page 4 Line 18, by inserting a new Section 14 as follows:

Section 14. The provisions of this Act, and the activities herein authorized, shall be subject to the review and recommendations of an oversight committee which shall be composed of the Chief Examiner of Public Accounts, the State Finance Director, and the Chairman of the Permanent Legislative Committee on The Board of Corrections Management and Performance Evaluation as created by Act No. 76-84 of the Legislature of Alabama, as amended, which said committee shall continue and function for so long as the provisions of this Act are in effect—and by renumbering the remaining Sections.

A BILL
TO BE ENTITLED
AN ACT

To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

Be It Enacted by the Legislature of Alabama:

Section 1. The short title of this act is THE INMATE COMMUNITY REINTEGRATION UNDER SIR ACT.

Section 2. As used in this act, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) DEPARTMENT - The Department of Corrections

(2) COMMISSIONER - The Commissioner of the Department of

Corrections.

(3) **STATE CORRECTIONAL INSTITUTION** - Any correctional institution under the jurisdiction of the department.

(4) **INMATE** - A person, either male or female, who has been convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

(5) **PROGRAM** - Supervised Intensive Restitution (SIR) Program.

Section 3. In order to provide for the individual supervision and placement of an inmate in the community to obtain employment and place of residence in order to aid in the reintegration of the inmate into society, the department is authorized to adopt rules, regulations and policies permitting the commissioner to extend the limits of confinement of an inmate where there is reasonable cause to believe the inmate will honor the trust placed in such inmate by authorizing such inmate, under prescribed conditions, to leave a state correctional institution and reside in the community under the intensive supervision of a correctional officer in the community.

Section 4. The department may adopt regulations as to the eligibility of those inmates who are classified as minimum security risks for the extension of confinement. However, no inmate who has ever been convicted of a sex offense, child molestation, murder, kidnapping in the first degree, selling drugs, burglary in the first degree or robbery in the first degree shall be eligible for extension of confinement.

Section 5. Employees of the department are authorized to make investigations and recommendations concerning the suitability of certain inmates for the program and otherwise to assist the commissioner in the implementation of the program authorized by this act. Provided, however, before an inmate can come under the SIR program, the sentencing judge and district attorney shall be given ten (10) days written notice. If the district attorney so desires, he may notify the victim and, if the victim has received physical injury or bodily harm as a result of the offense, the district attorney or his assistant may represent the victim in communicating his or her objections to the commissioner of the Department of Corrections.

Section 6. When an inmate is placed in the supervised intensive restitution program, and has been ordered by a court of this state to make restitution to his victim, it shall be made a condition of his participation in the program that he make restitution payments to the victim until the court ordered restitution is paid in full. When such an inmate is placed in the program, the department will inform him of the court's imposition of restitution payments, and the supervising correctional officer will see that a schedule of payment of restitution is established and continued until paid in full.

Section 7. Each inmate participating in the program shall participate in a 40-hour workweek of paid private employment, public service work program, or a combination of both.

Section 8. The department is authorized to charge each inmate participating in the program a weekly amount for supervision costs, which shall not exceed 25 percent of the adjusted gross weekly income of the inmate. Such sums shall be retained by the department and placed in a fund in the state treasury to defray the expense of administering this program and is hereby appropriated therefor.

Section 9. No inmate granted privileges under the provisions of this

act shall be deemed to be an agent, employee, or involuntary servant of the department while involved in the free community or while going to and from employment or other specified areas.

Section 10. The commissioner shall prepare an annual report to be filed not later than 60 days following the close of each fiscal year with the Governor, the Lieutenant Governor, members of the legislature and the Legislative Budget Committee showing the operation and administration and suggestions as deemed advisable.

Section 11. The commissioner shall promote public understanding of the provisions of this act as well as encourage the cooperation of all state agencies involved in implementing the provisions of this act.

Section 12. The willful failure of an inmate to remain within the extended limits of the inmate's confinement, or to return within the time prescribed to the place of confinement designated by the commissioner, shall be deemed as an escape from the custody of the department and shall be punishable as prescribed by law.

Section 13. The Supervised Intensive Restitution (SIR) Program is hereby exempted from the Administrative Procedures Act.

Section 14. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. All laws or parts of laws which conflict with this act are hereby repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (F.), White (G.), White (L.) and Zoghby.

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And the bill, H. 22 as thus amended, was again read at length and passed.

Yeas 80; Nays 9.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey,

Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (F.), and White (L.)

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Nays: Reps. Beers, Brooks, Gaston, Gray, Hall, Hooper, McMillan, White (G) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 47. REQUESTING A MOMENT OF SILENCE ON BEHALF OF JOHN F. KENNEDY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 19. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the rules were suspended and the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

ANNOUNCEMENT OF STANDING COMMITTEES OF THE HOUSE

The Speaker of the House announced the following Standing Committees of the House:

RULES

Clark (James)-Chairman, Clark (W)-Vice Chairman, Johnson (Roy), Carothers, Warren, Hall Boles, Goodwin, Preuitt, Davis, Dutton, Harvey, Coleman, Reed, Starr.

WAYS AND MEANS

Coburn - Chairman, Holley - Vice Chairman, Holmes, Moore, Kennedy, Turnham, Rogers, Bowling, Brakefield, Turner, Junkins, Mitchell, Trammell, Browder, Albright.

JUDICIARY

Campbell - Chairman, Onderdonk - Vice Chairman, Box, Poole, Marietta, Tanner, Bachus, Nicholson, Mathis, Laird, Fuller, Kvalheim, Britnell, Brooks, Buskey (James).

STATE ADMINISTRATION

Blake - Chairman, White (F) - Vice Chairman, Lauderdale, Coleman, Crow, Thomas, Grimsley, Mathis, Davis, Parker, Britnell, Warren, Pratt, Biddle, Smith.

BUSINESS AND LABOR

Crow - Chairman, Melton - Vice Chairman, Moore, Bugg, Blake, Trammell, Pratt, Buskey (James), Ford, Buskey (John), Albright, Boles, Beers, Bachus, Hooper.

HEALTH

Biddle - Chairman, Carothers - Vice Chairman, Clark (James), Sasser, Butler, Johnson (R.G.), Seibels, Turner, White (L), Mikell, Pratt, McDowell, Flowers, Thomas, Starkey.

BANKING

Zoghby - Chairman, Harvey - Vice Chairman, Kvalheim, Harper, Ford, Escott, Hettinger, Horn, Nicholson, Campbell, Holley, Penry, Martin, Cosby, Grimsley.

INSURANCE

Cosby - Chairman, Flowers - Vice Chairman, Brakefield, Smith, Burke, Spratt, White (L), Sasser, Seibels, Richardson, Rice, McKee, Martin, Poole, Carter.

EDUCATION

Grayson - Chairman, Turnham - Vice Chairman, Melton, Bachus, Boles, Britnell, Bugg, McNair, Parker, Coleman, Lauderdale, Laird, McDowell, Newman, White (G).

AGRICULTURE AND FORESTRY

Smith - Chairman, Richardson - Vice Chairman, Blakeney, Bowling, Butler, Dutton, Lindsey, Faulk, Grimsley, Hall, Mathis, Penry, Preuitt,

Rains, White (F).

NATURAL RESOURCES

Carter - Chairman, Faulk - Vice Chairman, Clark (W), Marietta, Crow, Grouby, Gaston, Harper, Lauderdale, McMillan, Britnell, Onderdonk, McNair, Parker, Penry.

PUBLIC WELFARE

Reed - Chairman, Kvalheim - Vice Chairman, Richardson, Butler, Beers, White (L), Hammett, Brooks, McNair, Payne, Rains, Starkey, Venable, Gray, Black.

CONSTITUTION AND ELECTIONS

Horn - Chairman, Venable - Vice Chairman, Black, Adams, Box, Clark (D), Grouby, Buskey (John), Kvalheim, Gaston, Blakeney, Hooper, Starkey, Beers, McNair.

PUBLIC UTILITIES AND TRANSPORTATION

Goodwin - Chairman, Sasser - Vice Chairman, Mitchell, Gray, Starr, Nicholson, Bryant, White (G), Junkins, Newman, Preuitt, Payne, McKee, Burke, Lindsey.

COMMERCE AND INDUSTRIAL DEVELOPMENT

Adams - Chairman, Kennedy - Vice Chairman, Clark (D), Carter, Buskey (James), Cosby, Hettinger, Harvey, McKee, Venable, Penry, Rice, Parker, Tanner, Perdue.

LOCAL GOVERNMENT

Martin - Chairman, Escott - Vice Chairman, Venable, Starkey, Fuller, Gray, Perdue, Spratt, Gaston, Grayson, Johnson (R.G.), Browder, Seibels, White (L), Adams.

MILITARY AFFAIRS

Ford - Chairman, Newman - Vice Chairman, Escott, Grimsley, Grouby, Hammett, Johnson (R.G.), Bryant, Melton, Payne, Lindsey, Starkey, Perdue, Sasser, Brooks.

HIGHWAY SAFETY

Holmes - Chairman, Tanner - Vice Chairman, Rogers, Fuller, Flowers, Faulk, White (F), McMillan, Box, Zoghby, Marietta, Harper, Hettinger, Poole, Spratt.

SMALL BUSINESS

Laird - Chairman, Mathis - Vice Chairman, Blakeney, Gray, Butler, Starr, Hammett, Mikell, McDowell, Tanner, McMillan, Payne, Fuller, Lindsey, White (G).

LOCAL LEGISLATION NO. 1

Rains - Chairman, Bryant - Vice Chairman, Blakeney, Ford, Browder, McMillan, Thomas, Venable, Bugg, Black, Fuller, Burke, Clark (D), Rice, Lindsey.

LOCAL LEGISLATION NO. 2

Horn - Chairman, Bachus - Vice Chairman, Beers, Biddle, Boles, Davis, Escott, Gray, McDowell, McNair, Payne, Perdue, Pratt, Rogers, Seibels, Spratt, Trammell, White (G):

LOCAL LEGISLATION NO. 3

Turner - Chairman, Buskey (James) - Vice Chairman, Box, Zoghby, Clark (W), Gaston, Kvalheim, Kennedy, Marietta, Harper.

LOCAL LEGISLATION NO. 4

MADISON:

Albright - Chairman, Butler, Brooks, Grayson, Hettinger, Hall.

MONTGOMERY:

McKee - Chairman, Starr - Vice Chairman, Hooper, Mikell, Buskey (John), Holmes.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 45. WHEREAS, Mr. Tal Eaton, Cameraman Cum Laude, and photographer phenomenal for WSFA-TV has diligently documented the proceedings of Alabama's august law-making assembly for, lo, these many years, since 1965, immortalizing the illustrious emanations on celluloid and capturing the cacophonous carnivalities on tape;

WHEREAS, Mr. Eaton has braved hail, sleet, snow, and vapor to suffer through:

morning machinations,
afternoon alliterations,
twilight titillations,
midnight naunderings,
desultory dissertations,
disparaging deductions,
dyspeptic dodderings,
discordant disputations,
strangulated superlatives,
surreptitious shenanigans,
stonewalling sesquipedalians,
disdainful demagogues,
forensic fulminations,
futile filibusters,

and every now and then, a plain and prudent word;

NOW BE IT THEREFORE RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mr. Tai Eaton for his many years of devoted service above and beyond the call of sane and rational duty;

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Eaton as a token of the sincere esteem in which he is held by those whom he has immortalized - the Alabama Legislature and other dignitaries of our beloved State.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 36. RELATIVE TO ADJOURNING SINE DIE ON NOVEMBER 22, 1983.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 40. COMMENDING NASCAR CHAMPION, BOBBY ALLISON OF HUEYTOWN, ALABAMA.

Also:

H. J. R. 42. COMMENDING MR. GLENN L. MAZE UPON HIS APPOINTMENT AS DEAN OF INSTRUCTION AT SNEAD STATE JUNIOR COLLEGE.

Also:

H. J. R. 43. COMMENDING MRS. LEE BRADY ON HER 102ND BIRTHDAY.

Also:

H. J. R. 44. COMMENDING PAT COURINGTON, JR.

Also:

H. J. R. 46. MOURNING THE DEATH OF MR. J. F. INGRAM.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 6. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE IMPACT OF THE COMPLETION OF THE

TENNESSEE-TOMBIGBEE WATERWAY.

Also:

S. J. R. 37. COMMENDING COACH JOE SHULTS OF CULLMAN, ALABAMA.

Also:

S. J. R. 38. COMMENDING DR. W. CHARLES OLIVER, A RETIRING DISTRICT SUPERINTENDENT OF THE CHURCH OF THE NAZARENE.

Also:

S. J. R. 39. COMMENDING DR. WILLIAM R. BENNETT UPON HIS RETIREMENT FROM THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 41. RECOGNIZING PARTICIPANTS IN THE AUBURN UNIVERSITY BLOOD DRIVE AND ENCOURAGING LIKE PARTICIPATION, STATEWIDE.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 11. To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

Also:

H. 16. To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to wit:

H. 18. To provide that certain convicted defendants in misdemeanor cases shall be required to pay certain court costs which shall be used to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

Also:

H. 22. To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

Also:

H. J. R. 47. REQUESTING A MOMENT OF SILENCE ON BEHALF OF JOHN F. KENNEDY.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 36. RELATIVE TO ADJOURNMENT SINE DIE ON TUESDAY, NOVEMBER 22, 1983.

Also:

H. J. R. 40. COMMENDING NASCAR CHAMPION, BOBBY AL-
LISON OF HUEYTOWN, ALABAMA.

Also:

H. J. R. 42. COMMENDING MR. GLENN L. MAZE UPON HIS
APPOINTMENT AS DEAN OF INSTRUCTION AT SNEAD STATE
JUNIOR COLLEGE.

Also:

H. J. R. 43. COMMENDING MRS. LEE BRADY ON HER 102ND

BIRTHDAY.

Also:

H. J. R. 44. COMMENDING PAT COURINGTON, JR.

Also:

H. J. R. 45. COMMENDING MR. TAL EATON FOR HIS MANY YEARS OF DEVOTED SERVICE ABOVE THE CALL OF SANE AND RATIONAL DUTY.

Also:

H. J. R. 46. MOURNING THE DEATH OF MR. J. F. INGRAM.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:45 A.M. on November 22, 1983.

H. J. R. 28

Delivered to the Governor at 11:25 A.M. on November 22, 1983.

H. 5

H. 14

H. 15

H. 27

H. 10

H. 21

H. 23

H. 28

Delivered to the Secretary of State at 4:10 P.M. on November 22, 1983.

H. 17 (Constitutional Amendment)

Delivered to the Governor at 4:15 P.M. on November 22, 1983.

H. J. R. 2

H. 1

H. 2

H. 7

H. J. R. 19

H. J. R. 29

H. J. R. 30

H. J. R. 33

H. J. R. 34

H. J. R. 12 (Executive Amendment)

Delivered to the Governor at 5:30 P.M. on November 22, 1983.

H. 11

H. 16

H. 18

H. 22

H. J. R. 47

H. J. R. 36

H. J. R. 40

H. J. R. 42

H. J. R. 43

H. J. R. 44

H. J. R. 45

H. J. R. 46

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. J. R. 36, heretofore adopted, the House adjourned sine die at 4:45 o'clock p.m.

JOHN W. PEMBERTON
Clerk of the House of Representatives
of the Legislature of Alabama,
Third Extraordinary Session 1983.

**HOUSE OF REPRESENTATIVES
THIRD EXTRAORDINARY SESSION, 1983
ALPHABETICAL ROSTER AND DISTRICT NUMBER**

Charles Adams, 83	Fred Horn, 53
Robert E. Albright, 21	Ron G. Johnson, 33
Spencer Bachus, 46	Roy Johnson, 63
Greg Beers, 48	Bobby M. Junkins, 30
Jack Biddle, III, 43	Yvonne Kennedy, 103
Lucius Black, Sr., 67	Ken Kvalheim, 101
A. J. Blake, 42	Richard Laird, 37
Harrell Blakeney, 66	Jack B. Lauderdale, 17
Hugh Boles, 50	Richard J. Lindsey, 39
W. C. (Bill) Bowling, 12	Bobby G. McDowell, 56
Mike Box, 96	Bob McKee, 74
Carl C. Brakefield, 14	Stephen A. McMillan, 95
Charlie Britnell, 18	Chris McNair, 57
Morris J. (Mo) Brooks, Jr., 10	Beth Marietta, 104
Glen Browder, 34	Charles B. Martin, 8
Jenkins Bryant, Jr., 68	Nathan Mathis, 87
June Bugg, 29	Bryant Melton, Jr., 61
Ralph Burke, 24	Mike Mikell, 76
James E. Buskey, 99	Earl Mitchell, 15
John L. Buskey, 77	Sonny Moore, 41
Tom Butler, 6	Max Newman, 16
James M. Campbell, 36	Tom Nicholson, 13
Joe Carothers, Jr., 86	Michael Onderdonk, 65
Tommy Carter, 5	Paul Parker, 9
Denzel L. Clark, 4	Arthur Payne, 44
James S. Clark, 84	Walter E. Penry, Jr., 94
William Clark, 98	George Perdue, 54
Tom Coburn, 2	Phil Poole, 62
Loyd Coleman, 25	Jack Pratt, 49
W. F. (Noopie) Cosby, Jr., 70	Jim Preuitt, 32
Bobby C. Crow, 35	T. Euclid Rains, Sr., 26
Pat Davis, 58	Thomas Reed, 82
Tom Drake, 11	John Rice, 80
Roger D. Dutton, 7	Ben T. Richardson, 23
Sundra E. Eacott, 60	John W. Rogers, 52
Dwight Faulk, 90	James G. Sasser, 88
Steve Flowers, 89	George G. Seibels, Jr., 47
Joe Ford, 28	Curtis Smith, 72
Bill Fuller, 38	Lewis G. Spratt, 59
Victor Gaston, 100	Nelson R. Starkey, Jr., 1
J. W. (Joe) Goodwin, 3	John Starr, Jr., 75
Billy Gray, 45	John F. Tanner, 40
George Grayson, 19	James Louis Thomas, 69
George H. Grimsley, 85	Hoyt W. Trammell, 51
E. A. Grouby, Jr., 71	J. E. Turner, 102
Albert Hall, 22	Pete Turnham, 79
Seth Hammett, 92	Jack B. Venable, 31
Taylor Harper, 105	J. E. (Jimmy) Warren, 64
Bob Harvey, 27	Frank P. White, 93
Steve Hettinger, 20	Gary White, 55
Jimmy W. Holley, 91	Lester White, 81
Alvin Holmes, 78	Mary S. Zoghby, 97
Perry O. Hooper, Jr., 73	

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA**

THIRD EXTRAORDINARY SESSION, 1983

OFFICERS

TOM DRAKE, *Speaker*, Cullman

ROY JOHNSON
Speaker Pro-Tem, Tuscaloosa

JOHN W. PEMBERTON, *Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Nelson R. Starkey, Jr.	301 North Pine Street, Florence 35630
2	COLBERT	Tom Coburn	1107 E. 3rd St., Tuscumbia 35674
3	COLBERT, LAUDERDALE	J. W. (Joe) Goodwin	310 Ford Rd., Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE	Denzel L. Clark	Rt. 2, Box 91, Killen 35645
5	LIMESTONE	Tommy Carter	Rt. 2, Box 72, Elkmont 35620
6	MADISON	Tom Butler	1803 Forney Dr., Huntsville 35805
7	LAWRENCE, MORGAN	Roger D. Dutton	R. R. No. 2, Trinity 35673
8	MORGAN	Charles B. Martin	P. O. Box 2538, Decatur 35602
9	MORGAN	Paul Parker	303 N. Douglas St., Hartselle 35640
10	MADISON	Morris J. "Mo" Brooks, Jr.	9009 Randall Rd., Huntsville 35802
11	CULLMAN, MORGAN	Tom Drake	P. O. Box 1165, Cullman 35055
11	CULLMAN	Bill Bowling	Rt. 2, Box 349, Hanceville 35077
13	WALKER	Tom Nicholson	P. O. Box 248, Jasper 35501
14	TUSCALOOSA, WALKER	Carl C. Brakefield	P. O. Box G, Carbon Hill 35549
15	PICKENS, TUSCALOOSA	Earl Mitchell	P. O. Box 426, Northport 35476
16	FAYETTE, LAMAR, MARION	Max Newman	P. O. Box 428, Millport 35576

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- | | | |
|----|--|---|
| 17 | MARION, WINSTON
Jack B. Lauderdale | Rt. 1, Box 238, Hamilton 35570 |
| 18 | FRANKLIN, MARION
Charlie Britnell | Rt. 2, Box 376, Russellville 35653 |
| 19 | MADISON
George Grayson | P. O. Box 38, Normal 35762 |
| 20 | MADISON
Steve Hettinger | 100 Calhoun St., Huntsville 35801 |
| 21 | MADISON
Robert E. Albright | 2024 Stanhope Dr., Huntsville 35811 |
| 22 | JACKSON, MADISON
Albert Hall | P. O. Box 275, Gurley 35748 |
| 23 | JACKSON
Ben T. Richardson | P. O. Box 1017, Scottsboro 35768 |
| 24 | DEKALB
Ralph Burke | P. O. Box 876, Fort Payne 35967 |
| 25 | MARSHALL
Loyd Coleman | P. O. Box 67, Arab 35016 |
| 26 | DEKALB, MARSHALL
T. Euclid Rains, Sr. | Rt. 1, Box 326, Albertville 35950 |
| 27 | BLOUNT
Bob Harvey | Rt. 4, Box 708, Oneonta 35121 |
| 28 | ETOWAH
Joe Ford | Gadsden State Jr. College,
George Wallace Dr., Gadsden 35901 |
| 29 | ETOWAH
June Bugg | 610 S. 5th St., Gadsden 35901 |
| 30 | ETOWAH, ST. CLAIR
Bobby M. Junkins | 254 College St., Gadsden 35901 |
| 31 | COOSA, ELMORE
Jack B. Venable | P. O. Box 736, Tallassee 36078 |
| 32 | TALLADEGA
Jim Preuitt | P. O. Box 1063, Talladega 35160 |
| 33 | TALLADEGA
Ron G. Johnson | Rt. 5, Box 17, Sylacauga 35150 |
| 34 | CALHOUN
Glen Browder | Rt. 2, Box 316, Jacksonville 36265 |
| 35 | CALHOUN
Bobby C. Crow | Rt. 10, Box 842, Anniston 36201 |
| 36 | CALHOUN
James M. Campbell | P. O. Box 2003, Anniston 36302 |

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 37 CHAMBERS, RANDOLPH, CLAY
Richard Laird 46 Randolph Plaza, Roanoke 36274
- 38 CHAMBERS
Bill Fuller 118 S. LaFayette St., LaFayette 36862
- 39 CHEROKEE, CLEBURNE, DEKALB
Richard J. Lindsey Rt. 2, Box 394, Centre 35960
- 40 BIBB, SHELBY
John F. Tanner P. O. Box 37, Pelham 35214
- 41 SHELBY
Sonny Moore P. O. Box 44, Sterrett 35147
- 42 ST. CLAIR
A. J. Blake Rt. 1, Box 206A, Pell City 35125
- 43 JEFFERSON
Jack Biddle, III 2256 Pinehurst Dr., Gardendale 35071
- 44 JEFFERSON
Arthur Payne 2825 2nd St., N.W., Birmingham 35215
- 45 JEFFERSON
Billy Gray 704 Lance Blvd., Birmingham 35206
- 46 JEFFERSON
Spencer Bachus 1122 22nd St., N., Birmingham 35234-2725
- 47 JEFFERSON
George G. Seibels, Jr. 4016 10th Ave., So., Birmingham 35222
- 48 JEFFERSON
Greg Beers 1504 Vendure Circle, Birmingham 35266
- 49 JEFFERSON
Jack Pratt 5424 Wesley Dr., Midfield 35228
- 50 JEFFERSON
Hugh Boles 1036 Normandale Circle, Hueytown 35020
- 51 JEFFERSON
Hoyt W. Trammell Rt. 15, Box 247, Birmingham 35224
- 52 JEFFERSON
John W. Rogers 1424 18th St., S.W., Birmingham 35211
- 53 JEFFERSON
Fred Horn 333 16th Ave., S.W., Birmingham 35204
- 54 JEFFERSON
George Perdue P. O. Box 2473, Birmingham 35201
- 55 JEFFERSON
Gary White 2826 S. 18th St., Homewood 35209
- 56 JEFFERSON
Bobbie Will Greene McDowell 2322 Dartmouth, Bessemer 35020
- 57 JEFFERSON
Chris McNair Rt. 4, Box 388, Bessemer 35020

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- 58 **JEFFERSON**
Pat Davis 9312 Sears Drive, Birmingham 35206
- 59 **JEFFERSON**
Lewis G. Spratt 3809 4th St. W., Birmingham 35207
- 60 **JEFFERSON**
Sundra E. Escott P. O. Box 8172, Birmingham 35218
- 61 **TUSCALOOSA**
Bryant Melton, Jr. 4129 20th Street, Tuscaloosa 35401
- 62 **TUSCALOOSA**
Phil Poole P. O. Box 609, Moundville 35474
- 63 **TUSCALOOSA**
Roy Johnson Rt. 4, Box 140, Tuscaloosa 35405
- 64 **CONECUH, MONROE**
J. E. (Jimmy) Warren P. O. Box 207, Castleberry 36432
- 65 **CLARKE, WASHINGTON**
Michael Onderdonk P. O. Drawer 130, Chatom 36518
- 66 **CHOCTAW, CLARKE, MARENGO**
Harrell Blakeney 1101 Old Hwy. 5 So., Thomasville 36784
- 67 **CHOCTAW, GREENE, SUMTER**
Lucius Black P. O. Box 284, York 36925
- 68 **DALLAS, PERRY, HALE**
Jenkins Bryant, Jr. Rt. 1, Box 126, Newbern 36765
- 69 **DALLAS, LOWNDES, WILCOX**
James Louis Thomas Rt. 2, Box 509, Hayneville 36040
- 70 **DALLAS**
W. F. "Noopie" Cosby, Jr. Dallas County Court House,
Selma 36701
- 71 **AUTAUGA, CHILTON**
Ed Grouby P. O. Box 188, Prattville 36067
- 72 **BIBB, CHILTON**
Curtis Smith P. O. Drawer 69, Clanton 35045
- 73 **MONTGOMERY**
Perry O. Hooper, Jr. 509 S. Court St., Montgomery 36104
- 74 **MONTGOMERY**
Bob McKee P. O. Box 424, Montgomery 36101
- 75 **MONTGOMERY**
John Starr, Jr. 2761 Forsyth Lane, Montgomery 36116
- 76 **ELMORE, MONTGOMERY**
Mike Mikell P. O. Box 993, Millbrook 36054
- 77 **MONTGOMERY**
John L. Buskey P. O. Box 6216, Montgomery 36106

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 78 **MONTGOMERY**
Alvin Holmes P. O. Box 6064, Montgomery 36106
- 79 **LEE**
Pete Turnham Box 1592, Auburn 36830
- 80 **LEE**
John Rice P. O. Box 2432, Opelika 36801
- 81 **TALLAPOOSA**
Lester White 739 Freeman St., Dadeville 36853
- 82 **BULLOCK, MACON**
Thomas Reed P. O. Drawer EE, Tuskegee Institute 36088
- 83 **RUSSELL**
Charles Adams P. O. Box 967, Phenix City 36867
- 84 **BARBOUR, RUSSELL**
James S. (Jimmy) Clark P. O. Box 71, Eufaula 36027
- 85 **HENRY, HOUSTON**
George H. Grimsley Rt. 1, Columbia 36319
- 86 **HOUSTON**
Joe Carothers, Jr. Rt. 8, Box 33, Dothan 36301
- 87 **GENEVA, HOUSTON**
Nathan Mathis Rt. 1, Newton 36352
- 88 **DALE**
James G. Sasser P. O. Box 1279, Ozark 36361
- 89 **PIKE, DALE**
Steve Flowers P. O. Box 973, Troy 36081
- 90 **BUTLER, CRENSHAW**
Dwight Faulk Rt. 2, Box 90, Honoraville 36042
- 91 **COFFEE**
Jimmy W. Holley Rt. 3, Box 191E, Elba 36323
- 92 **COVINGTON**
Seth Hammett P. O. Drawer 1607, Andalusia 36420
- 93 **ESCAMBIA**
Frank P. "Skippy" White .. Rt. 1, Box 193-Pollard, Flomaton 36441
- 94 **BALDWIN**
Walter E. Penry, Jr. Rt. 2, Box 286, Daphne 36526
- 95 **BALDWIN**
Steve McMillan P. O. Box 337, Bay Minette 36507
- 96 **MOBILE**
Mike Box P. O. Box 216, Saraland 36571
- 97 **MOBILE**
Mary S. Zoghby 2862 Hilburn Drive, Mobile 36606
- 98 **MOBILE**
William "Bill" Clark 711 Atmore Ave., Prichard 36612

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 99 **MOBILE**
James E. Buskey 2207 Barretts Lane, Mobile 36617
- 100 **MOBILE**
Victor Gaston 864 West Parkwood Dr., Mobile 36608
- 101 **MOBILE**
Ken Kvalheim 421 Dogwood Dr., Mobile 36609
- 102 **MOBILE**
J. E. Turner P. O. Box 777, Citronelle 36522
- 103 **MOBILE**
Yvonne Kennedy 1205 Glennon Ave., Mobile 36603
- 104 **MOBILE**
Beth Marietta 204 S. Cedar St., Mobile 36602
- 105 **MOBILE**
Taylor Harper P. O. Box 229, Grand Bay 36541

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House of Representatives
OF THE
STATE OF ALABAMA
FOURTH
EXTRAORDINARY
SESSION OF 1983

**HELD IN THE CITY OF MONTGOMERY,
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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
FOURTH EXTRAORDINARY SESSION
OF 1983

FIRST DAY

House of Representatives
Montgomery, Alabama
Wednesday, November 30, 1983

Be it remembered that on the thirtieth day of November, His Excellency, George C. Wallace, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows, to-wit:

STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS, there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122, of the *Constitution of Alabama, 1901*:

NOW, THEREFORE, I, George C. Wallace, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of government, State Capitol, in Montgomery, Alabama, at 5:00 p.m., on Wednesday, November 30, 1983, and I do hereby designate the following subjects and matters, which I, as Governor, deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Legislation to deal with gas and oil severance taxes and severance tax exemptions, relating to gas and/or oil produced from "offshore" wells, "stripper" wells, and/or coal bed methane gas production.

2. Legislation relating to certain tidelands or submerged lands which were purportedly transferred to the University of South Alabama in December of 1982, which lands are commonly referred to as "Grants Pass" but which lands encompass in excess of 7,000 acres, and other matters including resolutions or legislation relating to said lands and claims or title to said lands, or relating generally to the University of South Alabama.

3. Legislation to clarify and strengthen the powers of the State of Alabama, Department of Revenue, in the collection of taxes owed to the State of Alabama, including but not necessarily limited to legislation intended to put the State of Alabama, Department of Revenue, on a similar or equal footing with the United States Internal Revenue Service in the collection of

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1st Day

debts from taxpayers, and geared toward increasing revenues to the State of Alabama by strengthening the powers and streamlining the procedures of the State of Alabama, Department of Revenue, so as to promote greater efficiency in the collection of taxes and to better assure that all individuals, partnerships, companies, and corporations remit their fair share of the tax burden to the State of Alabama.

IN WITNESS THEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State, at the capitol, in the City of Montgomery, on this the 30th day of November, 1983.

GEORGE C. WALLACE,
Governor.

ATTEST:

DON SIEGELMAN
Secretary of State

In pursuance whereof, at the hour of 5:00 o'clock p.m., on Wednesday, the thirtieth day of November, 1983, the Representatives in the Legislature of Alabama assembled in the Hall of the House of Representatives.

PRAYER

The session was opened with prayer by the Reverend George F. O'Brien, Pastor, Grace Baptist Temple, Prattville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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The following Message was received from the Governor:

MESSAGE FROM THE GOVERNOR

To the Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace.

Done this 30th day of November, 1983.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To the Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have called you into another extraordinary session of this legislature to address some special and immediate problems facing our state. Before addressing those problems in this message, I would like to express my gratitude to you on the manner in which you disposed of the prison issues in the recent special session. Your action is allowing us to request the Court to modify its most recent order, recognizing your positive action here last week.

In this session I am requesting you to address three subjects. One of the subjects deals with two exemptions to the Oil and Gas Severance Tax Law. The second subject concerns the title to a large tract of offshore property. Thirdly, we are proposing some changes to strengthen Alabama's revenue collection laws, bringing the State more in line with sister states and the federal government in its ability to collect taxes owed and payable.

EXEMPTIONS

BARREL PER DAY EXEMPTION

In proposing modifications to the Oil and Gas Severance Tax Law, I am aware that there will be those who contend that we made a mistake in February. That is not the case. The legislation that was passed in February correcting certain aspects of the Severance Tax Law and increasing the amount has been the salvation of the State's General Fund to this point in time. Without the additional collections, we would not have been able to fund the Medicaid Program, Pensions and Security, old age assistance, assistance to the handicapped, pay to the State police, and other General Fund agencies. Those proposals were good and sound, and they have not lowered the production of oil in Alabama. We are told by the State Geologist, Dr. Ernest Mancini, that Alabama's production is not down in comparison to other states such as Texas, Louisiana, Mississippi, and other oil producing areas. Alabama production has remained at a better level than any of the other oil producing states in this area. In fact we have had only about one fourth of the drop that the other states have experienced. So the contention that we hurt the production in Alabama during the February session is not valid. I am asking you to pass some exemptions that will hopefully stimulate production in certain fields and areas of the State which will help us with revenue in the future.

In the matter of exemptions, I am proposing that we raise the 10 barrel per day exemption given to secondary recovery wells to 20 barrels per day. After we reduced this limit last February, production in the secondary recovery fields dropped. Many authorities have pointed to the reduced exemption as the reason. Some have given other reasons. We do know that there is a market for this type of oil even during the so-called oil glut. The oil in the Citronelle field has a special paraffin content which assures its

value at this time. The production level of this oil is such that the raising of the exemption from 10 barrels to 20 will have only a very small effect on the revenue to the State of Alabama. Hopefully, by raising this limit, unemployed oilfield and related workers can be returned to their jobs. At least we have been told by those in the business and local officials that raising the limit will increase secondary recovery and employment. If companies respond and produce to the 20 barrel level and still need an additional exemption, I would be one of the first to ask you to again raise the level. But we are saying produce if you want more; then, we will consider more!

I am also proposing a 2% exemption to the Severance Tax Law be given to the deep wells in Alabama's Gulf area. While exploration has continued at a level consistent or above that with other states, we are in a situation where the State is offering additional property for lease to the oil companies. It is the judgment of experts such as Dr. Mancini, State Geologist, and others that the State will receive a much better offering on leases if we grant this exemption. Also, the State is the royalty holder in these leases. The royalty to be paid from the offshore deep wells is 28%. The State will be much better financially if we grant this exemption and get these wells into production.

I must caution that we are not asking for a general reduction of 2% to the severance tax. As Governor, I cannot accept a general reduction. We are currently receiving approximately \$20 million annually from the severance tax passed in February. This revenue goes into the General Fund. Any general reduction would again put the State's General Fund agencies into proration. The exemptions that I have proposed will not affect the revenue to any appreciable degree at this time, but in the future will produce more state dollars. Currently very little oil or gas is being pumped from the offshore wells. These fields are in the exploration phase and by lowering the severance tax on the deep wells, we hope to generate revenue through increased production and royalties paid to the State.

LAND TITLE

According to Dr. Mancini, the most choice area of offshore property remaining to be leased is perhaps a tract of underwater property called Grant's Pass. Title of this property is currently in dispute between the State of Alabama and the University of South Alabama. As Governor, I remain committed to the position that the offshore properties belong to all the people of Alabama. Whatever revenue that may come from this property should be used to benefit the entire State and not just one institution. While Governor in my first term, I led the effort to create the University of South Alabama. My administrations have always supported this fine university and will continue to do so. The University has been supported by tax revenue from citizens throughout Alabama. While recognizing the desire of local officials to have an independent source of revenue, the Governor and this legislature must be concerned about the general welfare of our state. It is imperative that this title be returned to the State of Alabama.

In order to have this property considered in the next August bidding, it is necessary to resolve the title question at this time. Oil companies are reluctant to bid while the ownership is in question. There was legislation to return this title during the Regular Session, but it died on the last day. I had hoped that you would pass it at that time. Also, I have held hope that the University officials would agree with us and return the title without legislation, but we have now reached the point in time when I must ask you to act in this special session. Again, this is a very valuable parcel of property

and is vital to the State's efforts to get bids on offshore properties this coming summer.

TAX ENFORCEMENT AND COMPLIANCE ACT (TECA)

Revenue Commissioner Jim White has advised me that the Revenue Department has identified some \$29 million of tax revenue owed and payable to the State of Alabama which his department is unable to collect. The reason his department cannot collect this revenue is because the Alabama Revenue Collection Law does not have the teeth in it that are necessary. We are far short of the enforcement tools which our sister states possess and that which is possessed by the federal government's Internal Revenue Service.

The legislation that I am proposing to you and asking you to pass in this session is intended to clarify and strengthen the powers of the Department of Revenue in the collection of taxes. It is patterned primarily after the Internal Revenue Service laws and should give the Department of Revenue an equal footing with the Internal Revenue Service and other creditors in the collection of debts from taxpayers.

The tax enforcement and compliance legislation will not affect the average Alabama taxpayer. Rather, it is aimed at the recurring delinquents and difficult cases that continually fail to remit their fair share of the tax burden in Alabama.

Some examples that I can give would be a person in Alabama who wilfully decides not to file a state income tax return - that is he just ignores any filing whatsoever — there is very little that the State can do to collect the taxes that are owed. If pushed to its fullest point under present law, the Revenue Department after long and costly investigations and proceedings could probably fine the individual \$100 and maybe collect the taxes if many other agencies of local government decide to help. There is not authority to make a lien against property or to effect a jeopardy assessment as is the case with the federal government. Also, there could be a company or corporation which is set up to do business in Alabama and employs Alabama workers and in turn makes deductions from their payroll for state income tax. If this company or organization decided not to pay those taxes that it had collected from its employees to the State and keep them instead, the State is again at a loss for tools to bring proceedings against the company and collect the revenue. I think that you will agree with me that both of these examples and others that I could give are classic examples of people wilfully refusing to pay their fair share of tax. Allowing those who justly owe taxes to escape payment of those taxes is doing an injustice to our hard working citizens who work, produce and pay their taxes in the legal and lawful manner.

This legislation is expected to increase revenue across the board with little or no cost to state government. It streamlines the procedures already used by the Department of Revenue and promotes efficiency in the collection of taxes. It is legislation long overdue in Alabama, and I encourage you to pass it with due haste.

These items that I am asking you to address are vital to the financial condition of Alabama. They are fair and right. I trust that you will pass this legislation in the quickest time possible in order that budget hearings on the State's General Fund agencies may commence before Christmas. However, I must put forth certain conditions. I cannot sign the bills granting the oil tax exemptions without first receiving the legislation returning title to Grant's

Pass to the State of Alabama. I cannot accept a general reduction or rollback in the oil and gas severance tax. If amendments are added to those bills to effect a general rollback, I shall be forced to exercise the Governor's veto authority.

Again, I appreciate the manner in which you disposed of the prison issues in the most recent session. We look forward to working with you in this session, and hopefully you can finish in a very short time.

Thank you.

GEORGE C. WALLACE,
Governor of Alabama.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,
Secretary.

LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Reps. Cosby and Mitchell.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for transaction of public business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Newman, Goodwin and Buskey (John).

Also:

By Rep. Johnson (Roy):

H. J. R. 3. BE IT RESOLVED BY THE LEGISLATURE OF THE

STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Wednesday, November 30, 1983, we adjourn to meet again on Thursday, December 1, 1983; Tuesday, December 6, 1983; Wednesday, December 7, 1983; and Thursday, December 8, 1983.

SUBSTITUTE OFFERED

Rep. Box offered the following substitute to the resolution, H. J. R. 3:

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Wednesday, November 30, 1983, we adjourn sine die.

SUBSTITUTE TABLED

On motion of Rep. Johnson (Roy), the substitute offered by Rep. Box to the resolution, H. J. R. 3, was tabled.

SUBSTITUTE OFFERED

Rep. Sasser offered the following substitute to the resolution, H. J. R. 3:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn on Thursday, December 1, they will adjourn to meet again on Tuesday, December 6, at 1:30 p.m.

SUBSTITUTE TABLED

On motion of Rep. Johnson (Roy), the substitute offered by Rep. Sasser to the resolution, H. J. R. 3, was tabled.

RESOLUTION ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 3, was adopted.

NOTICE IN WRITING

Rep. Parker filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day, a motion will be made to change the Rules of the House to add a new rule as follows:

Rule 32a. No member of the House or any person who has privileges of the floor, shall be permitted to smoke from the time the floor of the House is cleared until the House adjourns.

RULE SUSPENDED

On motion of Rep. Johnson (Roy), House Rule 48 was suspended for the second legislative day, permitting Committees to meet while the House is in session.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 4. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Wednesday, November 30, 1983, we adjourn to meet again on Thursday, December 1, 1983, at 11:00 A. M.

On motion of Rep. Johnson (Roy), the rules were suspended and the

resolution, H. R. 4, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Reps. Payne and Richardson.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Covington, Barron, and Ellis.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Sen. Teague:

S. J. R. 2. DESIGNATING THE PLACE OF MEETING OF THE ALABAMA LEGISLATURE.

WHEREAS, the Alabama State Capitol is to be repaired, renovated and restored beginning January 1, 1984, and

WHEREAS, Act No. 82-331 authorizes the Legislature to provide a suitable meeting place for the transaction of business while the Capitol is being repaired, renovated and restored; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the seventh floor of the Alabama Highway Department Building is hereby designated as the place of meeting for the Senate of the State of Alabama and the sixth floor of the Alabama Highway Department Building is hereby designated as the place of meeting of the Alabama House of Representatives beginning with any Session after the 1984 Regular Session. The Senate and House of Representatives will occupy the sixth and seventh floors of the Alabama Highway Department Building and any portion of the fifth floor of said building as may be needed for the transaction of any official legislative business and duties beginning January 1, 1984.

BE IT FURTHER RESOLVED, that the fifth, sixth and seventh floors of the Alabama Highway Department Building shall be designated and known as the Alabama State House pursuant to Act No. 82-331.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 2, set out in the above and

foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Sen. Teague:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Covington, Barron, and Ellis.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 1, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dixon and Langford:

S. J. R. 5. DESIGNATING CERTAIN AREA IN MONTGOMERY AS PART OF "THE CAPITOL COMPLEX."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby officially designate all property located along Dexter Avenue and adjacent to Court Square in the City of Montgomery as part of the Capitol Complex. Along Dexter Avenue, the area shall include all property situated one-half block to the North of Dexter Avenue and one-half block to the South of Dexter Avenue.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the appropriate government officials that they may know of our intentions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 5, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Strong:

S. J. R. 4. COMMENDING THE DEMOPOLIS HIGH SCHOOL FOOTBALL TEAM FOR PARTICIPATION IN THE STATE 3A PLAY-OFFS.

Also:

By Senator Teague:

S. J. R. 7. DEVELOPMENT OF CORRECTIONAL EDUCATION IN NEW PRISONS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 4 and S. J. R. 7, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Sen. Denton:

S. J. R. 6. CREATING A JOINT INTERIM COMMITTEE ON COUNTY GOVERNMENT.

WHEREAS, county governments provide essential services to all of Alabama's 3.9 million citizens whether they reside within the incorporated or unincorporated areas of the state; and

WHEREAS, the growth of the demands for new and expanded county services by both urban and rural citizens has reached heights never before experienced in this state; and

WHEREAS, it is essential that county governments have the necessary constitutional and statutory authority to provide the needed services and at the lowest possible cost to the taxpayers of Alabama; and

WHEREAS, the Alabama Legislature has never had an Interim Committee to study county government in Alabama and this Legislature recognizes the need to create an Interim Committee on County Government; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES CONCURRING, That in order to suggest to State Legislators sound, workable and financially feasible methods of administration for Alabama's county governments, there is hereby created a Joint Interim Committee on County Government of the Legislature of Alabama, to be composed of eight (8) members of the Legislature - four (4) from the House, to

be appointed by the Speaker of the House, and four (4) from the Senate, to be appointed by the Lieutenant Government. It shall be the duty and function of the Committee to completely analyze the present status of county government in Alabama and to make such recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the county governments of this state to better meet and supply the needs and demands of the citizens of this state.

In reviewing the status and laws of county governments in Alabama, the Committee shall consider but shall not limit its consideration to the following items:

(1) The functions and responsibilities of county governments in providing services and facilities to the residents of the state, and whether or not additional legislation is needed or desirable to enable counties to provide reasonable and adequate standards of services and facilities;

(2) The legal framework of county government in Alabama, the power and authority presently enjoyed by county governments heretofore granted by the Legislature, and the restrictions placed on county governments by the Legislature and whether or not there is need for legislation to broaden the powers and authority of said county governments so as to give them more freedom in fulfilling their responsibilities to the citizens of the state;

(3) The financial resources of county government in Alabama and what legislation, if any, is needed to provide more adequate financial resources for support of county governments;

(4) The impact of legislative mandates upon the financial resources of counties;

(5) The impact of industrialization and rapid suburban development on the ability of county governments to provide reasonable and adequate standards of services and facilities to Alabama citizens and what legislation is necessary or desirable to enable county governments to provide a better standard of services and facilities in a period of rapid change in areas such as industrial development, residential subdivision development, solid waste disposal, provision of utility services, personnel administration, personnel training and human resource development, law enforcement, fire protection, highway maintenance and construction, recreation and the coordination of state and federal assistance programs.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its functions and that its work be finished in time for the preparation of a preliminary report to be submitted during the first week of the 1984 Regular Session of the Legislature of Alabama and a final report to be submitted during the 1984 Regular Session of the Legislature of Alabama and that as far as practicable that all meetings of the Committee be held in the State Capitol and be open to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered and authorized to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the Committee which shall be paid out of the funds appropriated to the use

of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of Ten Thousand Dollars (\$10,000.00). The Committee shall organize itself at the first meeting and elect from among its membership a Chairman and a Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex officio members of the Committee and shall receive compensation at the rate paid other members for each day that they sit with this Committee or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Martin, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 6, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Sen. Foshee:

S. J. R. 9. DIRECTING THAT ALL LOCAL LEGISLATION BILLS PREPARED FOR INTRODUCTION AT ANY SESSION OF THE LEGISLATURE MUST BE SUBMITTED TO THE LEGISLATIVE REFERENCE SERVICE FOR REVIEW OF FORM.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That effective in January 1984, drafts of all local legislation bills which are for introduction at any Session of the Legislature, and which are not prepared by the Legislative Reference Service, must be presented to the Legislative Reference Service for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 9, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Kennedy, Clark (W), Buskey (James), Thomas, Black, Bryant, Buskey (John), Grayson, McDowell, Escott, Perdue, Spratt and Reed:

H. J. R. 5. COMMENDING JOEL HAVEN HILL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK

CAUCUS.

WHEREAS, The Alabama Legislature, in commendation and gratitude, herein extends highest recognition of outstanding service rendered by Joel Haven Hill who, as an intern with the Southern Legislative Research Council, worked closely with the Alabama Legislative Black Caucus; and

WHEREAS, in association with the caucus during the 1983 Regular Session, Mr. Hill was charged with responsibilities to monitor committees and floor deliberations; to review legislative proposals of state governmental departments; review first readings and develop analyses of pending legislation, or proposals, in specified issue areas; and to assist in the preparation of a weekly Legislative Bulletin; and

WHEREAS, following completion of his internship, Mr. Hill, a resident of Birmingham and a Second Lieutenant in the United States Air Force, is pursuing a military career and currently is stationed in Austin, Texas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Lieutenant Joel Haven Hill and express our deep appreciation, as well, for his assistance to the Alabama Legislative Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Lieutenant Hill that he and his parents, Mr. and Mrs. Sidney Hill, Sr., may know of our sincere regard and warm wishes for his every future success.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 5, was adopted.

Also:

By Reps. Kennedy, Clark (W), Buskey (James), Thomas, Black, Bryant, Buskey (John), Grayson, McDowell, Escott, Perdue, Spratt and Reed:

H. J. R. 6. COMMENDING MISS REGINA M. QUICK FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

WHEREAS, the Alabama Legislature, in commendation and gratitude, herein extends highest recognition of outstanding service rendered by Miss Regina M. Quick who, as an intern with the Southern Legislative Research Council, worked closely with the Alabama Legislative Black Caucus; and

WHEREAS, in association with the caucus during the 1983 Regular Session, Miss Quick was charged with responsibilities to monitor committees and floor deliberations; to review legislative proposals of state governmental departments; review first readings and develop analyses of pending legislation, or proposals, in specified issue areas; and to assist in the preparation of a weekly Legislative Bulletin; and

WHEREAS, following completion of her internship, Miss Quick, a resident of Hanceville, plans to complete her studies at Auburn University and to later pursue a career in law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Miss Regina M. Quick and express our deep appreciation, as well, for her assistance to the Alabama Legislative Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Quick that she and her parents, Mr. and Mrs. Roland C. Quick, may know of our sincere regard and warm best wishes for her every future success.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 6, was adopted.

Also:

By Reps. Kennedy, Clark (W), Buskey (James), Thomas, Black, Bryant, Buskey (John), Grayson, McDowell, Escott, Perdue, Spratt and Reed:

H. J. R. 7. COMMENDING MISS SHERON J. ROSE FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

WHEREAS, the Alabama Legislature, in commendation and gratitude, herein extends highest recognition of outstanding service rendered by Miss Sheron J. Rose who, as an intern with the Southern Legislative Research Council, worked closely with the Alabama Legislative Black Caucus; and

WHEREAS, in association with the caucus during the 1983 Regular Session, Miss Rose was charged with responsibilities to monitor committees and floor deliberations; to review legislative proposals of state governmental departments; review first readings and develop analyses of pending legislation, or proposals, in specified issue areas; and to assist in the preparation of a weekly Legislative Bulletin; and

WHEREAS, following completion of her internship, Miss Rose, a resident of Dothan, plans to complete her studies at Tuskegee Institute and to later pursue a career in law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Miss Rose and express our deep appreciation, as well, for her assistance to the Alabama Legislative Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Rose that she and her parents, Sherman and Julia Rose, may know of our sincere regard and warm best wishes for her every future success.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 7, was adopted.

Also:

By Reps. Kennedy, Clark (W), Buskey (James), Thomas, Black, Bryant, Buskey (John), Grayson, McDowell, Escott, Perdue, Spratt and Reed:

H. J. R. 8. COMMENDING MISS ALICE MARSHALL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

WHEREAS, The Alabama Legislature, in commendation and gratitude, herein extends highest recognition of outstanding service rendered by Miss Alice Marshall who, as an intern with the Southern Legislative Research Council, worked closely with the Alabama Legislative Black Caucus; and

WHEREAS, in association with the caucus during the 1983 Regular Session, Miss Marshall was charged with responsibilities to monitor committees and floor deliberations; to review legislative proposals of state governmental departments; review first readings and develop analyses of pend-

ing legislation, or proposals, in specified issue areas; and to assist in the preparation of a weekly Legislative Bulletin; and

WHEREAS, following completion of her internship, Miss Marshall, a resident of Montgomery, plans to complete her studies at the University of Alabama where she currently is enrolled; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Miss Alice Marshall and express our deep appreciation, as well, for her assistance to the Alabama Legislative Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Marshall that she and her parents, Mr. and Mrs. George W. Prescott, may know of our sincere regard and warm best wishes for her every future success.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 8, was adopted.

Also:

By Rep. Blake:

H. J. R. 9. COMMENDING MRS. BERTIE EDGE, 1983 SAINT CLAIR COUNTY COWBELLE OF THE YEAR.

WHEREAS, the Alabama Legislature notes with pleasure the recent selection of Mrs. Bertie Edge as 1983 Saint Clair County CowBELLE of the Year; and

WHEREAS, Mrs. Edge was chosen as the recipient of this most signal honor in recognition of her promotion of both the CowBELLE Association and the beef industry; and

WHEREAS, Mrs. Edge, who founded the CowBELLE Association in Saint Clair County in 1976, served as the organization's first president until 1980; and

WHEREAS, in addition to her work with the CowBELLES, Mrs. Edge also is widely known and held in highest regard for her dedicated involvement in other areas, most particularly in the religious affairs of her community; she is a devout Christian, a warm and gracious lady, who gives her family, neighbors and friends a "real working belief in God"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Mrs. Bertie Edge of Saint Clair County; we further congratulate her as the 1983 Saint Clair County CowBELLE of the Year and direct that a copy of this resolution be provided for presentation at the forthcoming "This is Your Life" program to be held in her honor, January 17, 1984.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 9, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Escott, Adams, Albright, Bachus, Beers, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant,

Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 10. COMMENDING REPRESENTATIVE ASBURY HOWARD FOR NOTABLE LEGISLATIVE AND HUMANITARIAN SERVICE.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 2. NOTIFYING THE GOVERNOR THAT THE LEGISLATURE IS NOW IN SESSION AND IS READY FOR THE TRANSACTION OF BUSINESS.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Escott, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Drake, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 11. COMMENDING DR. C. HOWARD NEVETT FOR DISTINGUISHED RELIGIOUS AND COMMUNITY SERVICE.

Also:

By Rep. Blakeney:

H. R. 12. COMMENDING MISS SABRINA JONES, MARENGO COUNTY'S JUNIOR MISS FOR 1984.

Also:

The following resolution was introduced:

By Reps. Starr, Mikell, Hooper, McKee and Buskey (John):

H. J. R. 13. DESIGNATING CERTAIN AREA IN MONTGOMERY AS PART OF "THE CAPITOL COMPLEX."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby officially designate all property located along Dexter Avenue and adjacent to Court Square in the City of Montgomery as part of the Capitol Complex. Along Dexter Avenue, the area shall include all property situated one-half block to the North of Dexter Avenue and one-half block to the South of Dexter Avenue.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the appropriate government officials that they may know of our intentions.

The resolution, H. J. R. 13, was read and referred to the Standing Committee on Rules.

MOTION TO ADJOURN

Rep. Johnson (Roy) offered the motion that the House adjourn, leaving the Journal open.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Buskey (James), that the House adjourn, was lost.

Yeas 19; Nays 57.

Yeas:

Reps.: Box, Buskey (James), Clark (W), Dutton, Escott, Gaston, Grayson, Hall, Harper, Hooper, Kennedy, Kvalheim, McKee, McMillan, Marietta, Penry, Rice, Seibels and Zoghby.

Nays:

Mr. Speaker, Adams, Bachus, Biddle, Black, Bowling, Brakefield, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Mathis, Mikell, Moore, Newman, Nicholson, Parker, Poole, Pratt, Preuitt, Rains, Sasser, Starkey, Starr, Thomas, Trammell, Turnham, Venable, White (F), White (G) and White (L).

The question was then on the motion offered by Rep. Johnson (Roy), that the House adjourn, leaving the Journal open, and the motion was

adopted.

Yeas 60; Nays 21.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Flowers, Ford, Fuller, Goodwin, Gray, Grimsley, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, Mathis, Mikell, Newman, Nicholson, Parker, Payne, Perdue, Pratt, Preuitt, Rains, Reed, Sasser, Spratt, Starkey, Starr, Trammell, Turnham, Venable, White (G) and White (L).

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Nays:

Reps. Black, Box, Buskey (James), Buskey (John), Clark (W), Dutton, Gaston, Grouby, Harper, Hooper, Kennedy, Kvalheim, McKee, McMillan, Marietta, Onderdonk, Penry, Poole, Rice, Seibels and Zoghby.

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INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Campbell:

H. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

Ways and Means.

By Rep. Campbell:

H. 2. To amend Code of Alabama, 1975, Sections 16-55-1, 16-55-2, 16-55-3, 16-55-5, 16-55-6, 16-56-7, 16-55-8, and 16-55-9 so as to reconstitute the Board of Trustees, clarify the duties and responsibilities thereof, and provides for an effective date.

Ways and Means.

By Reps. Biddle, Carothers, Flowers, Pratt, White (L), Johnson (RG), Mikell and Butler:

H. 3. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and or amphetamine like anorectic drug or compound and or any sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity;

to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

Health.

By Reps. Rains, Coleman, Turnham, Moore, Ford, Clark (J), Grouby, Smith, Lauderdale and Johnson (Roy):

H. 4. To amend section 16-33-4, Code of Alabama 1975, relating to the Educational Benefits for Dependents of Blind Parents so as to eliminate the family income monetary restrictions used to determine the dependents' eligibility for nonpayment of instructional tuition or fees.

Ways and Means.

By Reps. Poole, Grouby, Payne, Smith, Bachus, McKee, Adams, Hooper, Mikell, Starr, Hall, Flowers, Rice, Mathis, Hammett, Venable, Cosby, Johnson (RG), Grimsley, White (L), White (F), Preuitt, Brooks, Gaston, Marietta, Nicholson, Pratt, Melton, Faulk, Holley, Mitchell, Sasser, Fuller, McMillan, Laird, Harper, Warren, Carter, Butler, Hettinger, Blake, Crow, Parker, Browder, Tanner, Gray and Moore:

H. 5. To prescribe that the legislature shall vote by recorded vote on any legislation or resolution related to any legislative expense allowances, pay or salary of any nature.

State Administration.

By Reps. Turner, Johnson (Roy), Box, Onderdonk, White (F), Kvalheim, Clark (W), Gaston, Kennedy and Buskey (James):

H. 6. To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2 and 40-20-8, so as to provide for a definition of "submerged lands", "offshore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 20 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; simplify the allocation process and provide for an effective date.

Ways and Means.

By Reps. Preuitt and Johnson (RG):

H. 7. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in

pari materia with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

Ways and Means.

By Rep. Turnham:

H. 8. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles; and to prescribe penalties for violations of this Act.

Health.

By Rep. Turnham:

H. 9. Relating to the Alabama Uniform Certificate of Title and Antitheft Act; to amend Section 32-8-41, Code of Alabama 1975, so as to eliminate the requirement of the state department of revenue to issue a non-transferable duplicate certificate of title for mailing to the owner to serve as a permit for the operation of a motor vehicle; and to amend Section 32-8-38, Code of Alabama 1975, so as to provide that the owner's permit copy of the application for certificate of title be retained by the owner as a nonnegotiable document as evidence of ownership and as a permit for the operation of a motor vehicle in order to eliminate the use of a form that duplicated the effects of another form.

Judiciary.

By Reps. Bachus, White (G), Beers, Poole, Smith, McMillan, Penry, Flowers, Hooper and Brooks:

H. 10. To establish a legislative compensation commission and provide for its operation.

State Administration.

By Reps. Bachus, Smith, Turnham, Moore, Adams, Carter, White (G), Gray, Laird, Coleman, White (L), Fuller, Junkins, Hall, Butler, Trammell, Blakeney, Onderdonk, Hooper, Poole and Brooks:

H. 11. To exempt the Woman's Missionary Union, Auxiliary to the Southern Baptist Convention, headquartered in Birmingham, Alabama from the payment of all state and local sales and use taxes.

Ways and Means.

By Reps. White (F), McMillan, Blake and Hall:

H. 12. To amend Section 34-8-2, Code of Alabama, 1975 relating to contractor license applications, so as to alter the filing waiting period.

State Administration.

By Rep. Johnson (Roy):

H. 13. The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to col-

lect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same.

Ways and Means.

By Reps. Onderdonk and Adams:

H. 14. To amend Act No. 83-75 enacted at the 1983 First Special Session of the Legislature of Alabama, as amended, which act relates to the power of counties to issue warrants to finance the costs of necessary public buildings, bridges and roads; to authorize each county in the State of Alabama to sell and issue from time to time warrants for the purpose of paying the costs of acquiring (by construction, purchase or otherwise) public facilities which such county is authorized to acquire by laws other than this act; to define public facilities and other particular terms used in the substantive provisions of this act; to authorize the county commission of each county issuing warrants pursuant to the provisions of this act to determine whether such warrants shall be general obligations of such county or limited obligations payable solely from a specified source; to authorize such county commission to determine, within the constraints of this act, the terms and conditions of such warrants; to provide that certain taxes, revenues and other funds may be pledged as additional security for general obligation warrants issued under the provisions of this act; to provide that certain taxes, revenues and other funds may be pledged as the sole source of payment for limited obligation warrants issued under the provisions of this act; to specify the effect and priority of any such pledges; to authorize the issuance of refunding warrants and to specify the nature of the debt that may be refunded thereby; to provide that warrants issued under the provisions of this act shall be legal investments; to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county; to provide that the provisions of this act shall control over inconsistent provisions of other laws; and to provide that the provisions of this act shall be severable.

Local Government.

By Reps. Box, Turner, Zoghby, Clark (W), Buskey (James), Kvalheim, Harper, Gaston and Kennedy:

H. 15. To ratify that certain overpayment by the state to certain municipalities or counties of certain oil and gas producing or severing privilege tax proceeds distributed pursuant to Section 40-20-8, Code of Alabama 1975, relating to such distribution, and to that certain Attorney General Opinion, dated August 19, 1980; and to specify legislative intent.

Ways and Means.

By Reps. Ford and White (L):

H. 16. Relating to military affairs and civil defense; amending; Section 31-2-8, Code of Alabama 1975, relating to the organization of the state guard; Section 31-2-9, Code of Alabama 1975, pertaining to the separate powers of the governor and adjutant general over the guard separate from federal control; and Section 31-2-10 relating to appropriations for the state guard, so as to change the name from state guard to state defense force and to authorize the governor to call the state defense force into temporary action.

State Administration.

By Rep. Zoghby:

H. 17. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, bearing compound interest or no interest, computed and payable at such time or times as may be provided, or at a discount equivalent to compound interest, and that this act is declarative of existing law.

Banking.

By Reps. Zoghby, Box, Kvalheim, Marietta and Buskey (James):

H. 18. To amend section 43-2-42 of the Code of Alabama 1975, which relates to the order of preference in the right to administer an intestate's estate, so as to provide further for the order of granting said right of administration in counties where the general administrator is elected by vote of the people.

Judiciary.

By Reps. Clark (J) and Campbell:

H. 19. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Ways and Means.

By Reps. Clark (J), and Campbell:

H. 20. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

Ways and Means.

By Reps. Hettinger, Albright, Grayson, Butler and Brooks:

H. 21. To provide that each municipality in the State of Alabama shall have the authority to enter into binding option agreements with respect to any land held by it as the site of an industrial park, subject to certain conditions and limitations.

Local Government.

By Reps. Hettinger and Butler:

H. 22. To exempt all persons employed in public schools from liability for certain communications concerning the suspected use, possession, sale or furnishing of any controlled substance by any student, to the student's parents, law enforcement officers or health care providers.

Education.

By Reps. Cosby, Hammett, Venable, Adams, Grimsley, Payne, Poole, Johnson (RG), Laird, White (L), Fuller, Brooks, Coleman, Browder, Rice, Mathis, Grouby, Harper, Zoghby, Mitchell, Flowers, Faulk, Melton, Mikell, McKee, Crow, Horn, Hooper, Starr, Box, Gaston, Kvalheim, Blakeney and Starkey:

H. 23. To establish the manner of setting expense allowances for the members of the House of Representatives and the Alabama Senate; and to exclude the current legislature; and to provide an effective date.

State Administration.

By Reps. Poole, Butler, Lindsey and Holley:

H. 24. To appropriate \$10,000 from the general fund to the Department of Public Health for the purchase of rubella vaccine to be administered for the purpose of preventing birth defects; to grant immunity to public employees administering such vaccine; and to authorize the charging of fees for such immunizations.

Ways and Means.

By Reps. Laird and Fuller:

H. 25. To propose an amendment to the Constitution of Alabama of 1901, to permit nonprofit organizations in Chambers County to hold raffles for fund raising purposes, provided none of the proceeds are used to pay salaries of officials.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

JOURNAL OF THE HOUSE, 1983
1st Day

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 4, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Thursday, December 1, 1983.

SECOND DAY

House of Representatives
Montgomery, Alabama
Thursday, December 1, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Bob McKee, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

LEAVE OF ABSENCE

At the request of Rep. Warren, leave of absence was granted for Rep. Cosby, due to illness.

PERMISSION GRANTED

Permission was granted for the Journal to show Reps. Kvalheim, Gaston, Buskey (James) and Box to be removed as co-sponsors to the bill, H. 6.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and

finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the rules were suspended and the reading at length of the Journal of the House for the first legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 14. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, December 1, 1983, we adjourn to meet again on Tuesday, December 6, 1983, at 1:00 p.m.

SUBSTITUTE OFFERED

Rep. Buskey (James) offered the following substitute #1 to the resolution, H. R. 14:

Be it resolved by the Alabama House of Representatives, that when we adjourn today, Thursday, December 1, 1983, we adjourn to meet again on Tuesday, December 6, 1983 at 5:00 p.m.

SUBSTITUTE TABLED

On motion of Rep. Johnson (Roy), the substitute #1 offered by Rep. Buskey (James) to the resolution, H. R. 14, was tabled.

Yeas 42; Nays 23.

Yeas:

Mr. Speaker, Adams, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Bugg, Burke, Carter, Clark (J), Coburn, Crow, Fuller, Goodwin, Grimsley, Grouby, Hall, Harvey, Holley, Holmes, Johnson (Roy), Junkins, Laird, Lauderdale, McNair, Newman, Onderdonk, Parker, Perdue, Pratt, Rains, Smith, Spratt, Starkey, Thomas, Trammell, Warren and White (L).

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Nays:

Reps.: Bachus, Black, Box, Buskey (James), Butler, Clark (W), Dutton, Gaston, Grayson, Harper, Hettinger, Hooper, Kennedy, Kvalheim, Lindsey, McDowell, McKee, McMillan, Marietta, Payne, Penry, Rice and Turner.

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SUBSTITUTE OFFERED

Rep. Buskey (James) offered the following substitute #2 to the resolution, H. R. 14:

Be it resolved by the Alabama House of Representatives, That when we adjourn today, Thursday, December 1, 1983, we adjourn to meet again on Tuesday, December 6, 1983, at 4:00 P.M.

SUBSTITUTE TABLED

On motion of Rep. Johnson (Roy), the substitute #2 offered by Rep. Buskey (James) to the resolution, H. R. 14, was tabled.

Yeas 47; Nays 27.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Carter, Clark (J), Coburn, Coleman, Crow, Ford, Fuller, Grimsley, Grouby, Hall, Harvey, Holley, Holmes, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Poole, Pratt, Rains, Smith, Spratt, Trammell, Venable and Warren.

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Nays:

Reps.: Bachus, Black, Box, Buskey (James), Butler, Clark (W), Dutton, Gaston, Gray, Grayson, Harper, Hettinger, Hooper, Kennedy, Kvalheim, McDowell, McKee, McMillan, Marietta, Penry, Perdue, Rice, Starkey, Turner, White (F), White (G) and Zoghby.

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RESOLUTION ADOPTED

The question was then on the adoption of the resolution, H. R. 14, and on motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 14, was adopted.

Also:

By Rep. Holley:

H. R. 15. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That there is hereby created a committee composed of three members of the House appointed by the Speaker of the House to advise with the Clerk of the House and architectural consultants on the location of the House Chamber and House offices in the Alabama Highway Department Building.

On motion of Rep. Holley, the rules were suspended and the resolution, H. R. 15, was adopted.

Also:

By Reps. Smith, Blake, Moore, Parker, Johnson (Roy), Holley, Butler, McKee, Payne, Boles, Carter, Venable, Poole, Brakefield, Adams, Albright, Bachus, Beers, Biddle, Black, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner,

Turnham, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 16. EXPRESSING SUPPORT OF GOVERNOR WALLACE REGARDING HIS ACTION CONCERNING JAMES M. FAIL.

WHEREAS, the Alabama Legislature notes the recently announced stand of Governor George C. Wallace concerning James Manasco Fail; and

WHEREAS, James Fail was indicted in 1976 for securities fraud from the failure of Modern Home Life Insurance Company; the failure left thousands of Alabama citizens holding worthless policies; and

WHEREAS, having pleaded guilty and paying a \$1 million cash settlement, he then signed an agreement not to do business in the state; and

WHEREAS, ignoring the aforementioned binding agreement, James Fail has twice attempted to return to business in Alabama; and

WHEREAS, recently Governor George Wallace has directed the State Insurance Commissioner to make James Manasco Fail abide by the plea-bargaining agreement to never do business in Alabama again; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily support the Governor's stand concerning James M. Fail and direct that he receive a copy of this resolution that he may know of our intentions.

On motion of Rep. Smith, the rules were suspended and the resolution, H. J. R. 16, was adopted.

Also:

By Rep. Parker:

H. R. 17. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Rules of the House are hereby amended to add a new rule as follows:

Rule 32a. No member of the House or any person who has privileges of the floor, shall be permitted to smoke from the time the floor of the House is cleared until the House adjourns.

The resolution, H. R. 17, was read and referred to the Standing Committee on Rules.

MOTION TO RECESS

Rep. Johnson (Roy) offered the motion that the House stand in recess to the call of the Chair.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Penry that the House adjourn, leaving the Journal open, was lost.

Yeas 17; Nays 57.

Yeas:

Reps. Box, Buskey (James), Buskey (John), Clark (W), Dutton, Gaston, Harper, Hooper, Kennedy, Kvalheim, McDowell, McKee, McMillan, Marietta, Penry, Turner and Zoghby.

Nays:

Mr. Speaker, Adams, Albright, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Bugg, Burke, Butler, Clark (J), Coburn, Coleman, Crow, Ford, Fuller, Grimsley, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, Martin, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Venable, Warren, White (F), White (G) and White (L).

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RECESS

The question was then on the motion offered by Rep. Johnson (Roy), that the House stand in recess to the call of the Chair, and the motion was adopted.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

NOTICE IN WRITING

Rep. Buskey (James) filed the following Notice in Writing:

I hereby move that Rule 40a of the Rules of the House be repealed for the remainder of this special session (Fourth Extraordinary Session).

NOTICE IN WRITING

Rep. Buskey (James) filed the following Notice in Writing:

I hereby move that Rule 31a of the Rules of the House be repealed.

NOTICE IN WRITING

Rep. Buskey (James) filed the following Notice in Writing:

I hereby move to amend Rule 5 of the Rules of the House whereby Miscellaneous Business shall be the first order of business.

NOTICE IN WRITING

Rep. Buskey (James) filed the following Notice in Writing:

I hereby move to amend Rule 20 of the Rules of the House to read as follows:

Rule 20. Bills, motions, and reports may be recommitted at the pleasure of the House, except that on any bills, motions and reports dealing with submerged lands, offshore drilling and the like will be recommitted by a vote only of the members of the county or counties of the State where the submerged lands, offshore drilling and the like are located.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 2. DESIGNATING THE PLACE OF MEETING OF THE ALABAMA LEGISLATURE.

Also:

S. J. R. 4. COMMENDING THE DEMOPOLIS HIGH SCHOOL FOOTBALL TEAM FOR PARTICIPATION IN THE STATE 3A PLAY-OFFS.

Also:

S. J. R. 6. CREATING A JOINT INTERIM COMMITTEE ON COUNTY GOVERNMENT.

Also:

S. J. R. 7. DEVELOPMENT OF CORRECTIONAL EDUCATION IN NEW PRISONS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 3. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 2. (With Amendment): To amend Code of Alabama, 1975, Sections 16-55-1, 16-55-2, 16-55-3, 16-55-5, 16-55-6, 16-55-7, 16-55-8 and 16-55-9 so as to reconstitute the Board of Trustees, clarify the duties and responsibilities thereof, and provides for an effective date.

H. 13. (With Amendment): The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for

a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 19. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

H. 20. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 25. To propose an amendment to the Constitution of Alabama of 1901, to permit nonprofit organizations in Chambers County to hold raffles for fund raising purposes, provided none of the proceeds are used to pay salaries of officials.

The above bill was read a second time at length as required by the Constitution.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Coburn, Johnson (Roy), Holley and Moore:

H. 26. To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2 and 40-20-8, so as to provide for a definition of "submerged lands", "offshore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 20 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; simplify the allocation process; provide certain taxing limits on local government entities; and provide for an effective date.

Ways and Means.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 3. Relative to the meeting dates from November 30, 1983 through December 8, 1983.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:45 A.M. on December 1, 1983.

H.J.R. 2.

Delivered to the Governor at 4:45 P.M. on December 1, 1983.

H.J.R. 3.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 14, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, December 6, 1983.

THIRD DAY

House of Representatives
Montgomery, Alabama
Tuesday, December 6, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Wade Acton, Pastor, First Presbyterian Church, Dadeville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

MOTION TO SUSPEND RULES AND ADOPT REPORT OF STANDING COMMITTEE ON RULES LOST

Rep. Clark (J) offered the motion to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the second legislative day and to adopt the report of the Standing Committee on Rules, and the motion was lost, lacking a four-fifths vote.

Yeas 44; Nays 19.

Yeas:

Mr. Speaker, Biddle, Blake, Bowling, Brakefield, Browder, Bugg, Buskey (John), Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Flowers, Fuller, Goodwin, Grimsley, Hammett, Harvey, Holley, Holmes, Johnson (Roy), Junkins, Laird, Lauderdale, Mitchell, Moore, Newman, Onderdonk, Parker, Poole, Rains, Reed, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Venable, Warren and White (F).

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Nays:

Reps. Black, Box, Brooks, Buskey (James), Clark (W), Ford, Gaston, Harper, Hooper, Kennedy, Kvalheim, Mckee, McMillan, Marietta, Mikell, Penry, Rice, Turner and Zoghby.

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READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the second legislative day, and the reading commenced.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turner, the rules were suspended in order to dispense with the reading of the Journal of the House of Representatives for the second legislative day, and the Report of the Standing Committee on Rules was adopted.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 18. COMMENDING MISS KIMBERLY ELISE SWITZER, CLARKE COUNTY'S JUNIOR MISS FOR 1984.

Also:

By Rep. Blakeney:

H. R. 19. COMMENDING THE CATHERINE ACADEMY COLTS, STATE APSA 1A CHAMPIONS.

Also:

By Rep. Blakeney:

H. R. 20. COMMENDING MR. AND MRS. THOMAS EARL GATES OF THOMASVILLE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

RESOLUTIONS

The following resolution was introduced:

By Rules Committee:

H. R. 21. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching the Calendar, the following bills in the order named be made the special, paramount and continuing order of business for the Third Legislative Day of the 4th Special Session, December 6, 1983,

taking precedence over any other business of the House until such times as said bills are disposed of:

Bill No.	Title	Page No.
H. B. 13	Property tax law enforcement	2
H. B. 19	Industrial Development Authority—sell bonds not exceeding \$6,000,000	3
H. B. 20	Reallocate cigarette tax for retirement of St.Ind.Dev. Authority bonds	5
H. B. 25	Local bill—Chambers County	6

MOTION TO ADOPT

Rep. Clark (J) offered the motion that the House adopt the resolution, H. R. 21.

SUBSTITUTE OFFERED

Rep. Starkey offered the following substitute to the resolution, H. R. 21:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching the Calendar, the following bills in the order named be made the special, paramount and continuing order of business for the Third Legislative Day of the 4th Special Session, December 6, 1983, taking precedence over any other business of the House until such time as said bills are disposed of:

Bill No.	Title	Page No.
H. B. 19	Industrial Development Authority—sell bonds not exceeding \$6,000,000	3
H. B. 20	Reallocate cigarette tax for retirement of St.Ind.Dev. Authority bonds	5
H. B. 25	Local bill—Chambers County	6

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (Roy) to table the substitute offered by Rep. Starkey to the resolution, H. R. 21, was lost.

Yeas 37; Nays 37.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Bowling, Brakefield, Browder, Bryant, Bugg, Carter, Clark (D), Clark (J), Coburn, Crow, Davis, Goodwin, Harvey, Holley, Horn, Johnson (Roy), Junkins, Lauderdale, Lindsey, Martin, Mitchell, Newman, Onderdonk, Parker, Perdue, Preuitt, Reed, Rogers, Smith, Spratt, Turner, Warren and Zoghby.

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Nays:

Reps. Adams, Bachus, Beers, Boles, Box, Brooks, Buskey (John), Butler, Carothers, Faulk, Ford, Fuller, Gaston, Gray, Grimsley, Hammett, Harper, Hooper, Johnson (R.G.), Kvalheim, Laird, McDowell, McKee, McMillan, Marietta, Mathis, Mikell, Payne, Penry, Rains, Rice, Sasser, Starkey,

Tanner, Trammell, White (G) and White (L).

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The question then was on the substitute offered by Rep. Starkey to the resolution, H. R. 21.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Starkey offered the following substitute to the substitute offered by him to the resolution, H. R. 21:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching the Calendar, the following bills in the order named be made the special, paramount and continuing order of business for the Third Legislative Day of the 4th Special Session, December 6, 1983, taking precedence over any other business of the House until such time as said bills are disposed of:

Bill No.	Title	Page No.
H. B. 19	Industrial Development Authority—sell bonds not exceeding \$6,000,000	3
H. B. 20	Reallocate cigarette tax for retirement of St.Ind.Dev. Authority bonds	5
H. B. 25	Local bill—Chambers County	6
H. B. 13	Property tax law enforcement	2

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (Roy) to table the substitute to the substitute offered by Rep. Starkey to the resolution, H. R. 21, was lost.

Yeas 38; Nays 49.

Yeas:

Mr. Speaker, Albright, Blake, Blakeney, Bowling, Brakefield, Browder, Bryant, Bugg, Campbell, Clark (J), Coburn, Crow, Davis, Goodwin, Hall, Harvey, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Preuitt, Reed, Rogers, Smith, Spratt, Tanner, Turner, Warren and Zoghby.

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Nays:

Reps. Adams, Bachus, Beers, Biddle, Black, Boles, Box, Brooks, Buskey (James), Buskey (John), Butler, Carothers, Clark (D), Coleman, Cosby, Dutton, Faulk, Ford, Fuller, Gaston, Gray, Grimsley, Hammett, Hooper, Johnson (R.G.), Kvalheim, Laird, Lindsey, McDowell, McKee, McMillan, Mathis, Melton, Mikell, Payne, Penry, Pratt, Rains, Rice, Sasser, Starkey, Starr, Thomas, Trammell, Turnham, Venable, White (F), White (G) and White (L).

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SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute to the substitute to the resolution, H. R. 21, offered by Rep. Starkey, and the substitute to the substitute was adopted.

RESOLUTION ADOPTED

On motion of Rep. Johnson (Roy), the resolution, H. R. 21, as amended, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Hall and White (L):

H. R. 22. COMMENDING MICHAEL SPRAGUE, MARYLAND HOUSE OF DELEGATES.

Also:

By Reps. Ford, Bugg and Junkins:

H. R. 23. COMMENDING THE EMMA SANSOM HIGH SCHOOL FOOTBALL TEAM.

Also:

By Reps. Ford, Bugg and Junkins:

H. R. 24. COMMENDING THE LITCHFIELD HIGH SCHOOL FOOTBALL TEAM.

Also:

By Reps. Ford, Bugg and Junkins:

H. R. 25. COMMENDING THE LITCHFIELD HIGH SCHOOL BAND.

Also:

By Rep. Goodwin:

H. R. 26. COMMENDING THE COLBERT COUNTY HIGH SCHOOL MARCHING BAND.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Blakeney and Turnham:

H. 27. To make a supplemental appropriation from the general fund in the state treasury to the office of the secretary of state the fiscal year ending September 30, 1984.

Ways and Means.

By Rep. Buskey (John):

H. 28. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Constitution and Elections.

By Reps. White (F), McMillan, Blake and Holley:

H. 29. To amend Section 34-8-2, Code of Alabama, 1975 relating to contractor license applications, so as to alter the filing waiting period.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Ford, Bugg and Junkins:

H. J. R. 27. COMMENDING THE LITCHFIELD HIGH SCHOOL FOOTBALL TEAM.

WHEREAS, the Litchfield High School Class 3A Football Team known as the "Eagles" has had an outstanding season with an 8-2 team record for the 1983 season; and

WHEREAS, the team under the coaching direction of Head Coach Charles "Buddy" Hearn and Assistant Coaches Hal Davidson, Virgil Holder, David Croft and Mike Bailey have guided these young men to victories for their school; and

WHEREAS, Coach Hearn in his third year of coaching the Eagles has had his best season; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the Litchfield High School Football Team for their outstanding record; and

BE IT FURTHER RESOLVED, That Coach Charles "Buddy" Hearn receive a copy of this resolution on behalf of his staff and team, with a copy provided for appropriate school display.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 27, was adopted.

Also:

By Reps. Ford, Bugg and Junkins:

H. J. R. 28. COMMENDING THE LITCHFIELD HIGH SCHOOL BAND.

WHEREAS, the Litchfield High School Band under the direction of Bruce Heard has won numerous awards including first place in the 1981 Krewe Argus Mardi Gras Parade in New Orleans; and

WHEREAS, the band won second place in the Smokey Mountain Music Festival Parade in Gatlinburg; and

WHEREAS, this band with its 55 members has received superior ratings in many contests around the Southeast; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the Litchfield High School Band for the fine music they have provided for their school and community; and

BE IT FURTHER RESOLVED, That Bruce Heard receive a copy of this resolution on behalf of his band, with a copy provided for appropriate school display.

On motion of Rep. Ford, the rules were suspended and the resolution,

H. J. R. 28, was adopted.

Also:

By Reps. Ford, Bugg and Junkins:

H. J. R. 29. CONGRATULATING THE EMMA SANSOM HIGH SCHOOL BAND.

WHEREAS, the Emma Sansom High School Band has had many honors and awards; and

WHEREAS, the band under the direction of Robert Carter, in his third year at Emma Sansom, has won numerous awards including in 1981 the Class 2AA Oxford Marching Festival Championship. In 1982 the Class 2AA Sweepstake Championship for the Concert in the Parks Competition in Richmond, Virginia, Class 2AA Sweepstake Championship in the Greater Atlanta Area Marching Festival, First runner-up in the parade and third in the field show competition at the National Band Championship in Bradenton, Florida. In 1983 in the Class 4AAAA they were Champions in the Atlantic States Marching Competition in Dalton, Georgia and won the Championship and Sweepstake Award in the 4AAAA Peach State Marching Festival; and

WHEREAS, the band with its 125 members has won first place for the last three years in the Gadsden Christmas Parade and provided music and support for many community events as well as performing for their school; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Emma Sansom High School Band with its tradition of excellence and leadership in the field of high school band organization is duly recognized; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Robert Carter on behalf of his band, with a copy provided for appropriate school display.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 29, was adopted.

Also:

By Reps. Ford, Bugg and Junkins:

H. J. R. 30. COMMENDING THE EMMA SANSOM HIGH SCHOOL FOOTBALL TEAM.

WHEREAS, the 1982-83 Emma Sansom High School Football Team ended their regular season with the first undefeated and untied season in the history of their school; and

WHEREAS, the Rebels with a 10-0 record for this season, the team was guided to victory under the direction of Head Coach Fred "Buster" Gross and Assistant Coaches Michael Shipp, Stan Romine, Robert Nichols and Bobby Smith; and

WHEREAS, The rebels are the Class 3A runner-ups with their 13-1 record in the best season ever; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the Emma Sansom High School Football Team for their outstanding record;

and

BE IT FURTHER RESOLVED, That Coach Fred "Buster" Gross receive a copy of this resolution on behalf of his staff and team, with a copy provided for appropriate school display.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 30, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Ford, Junkins and Bugg:

H. R. 31. CONGRATULATING THE EMMA SANSOM HIGH SCHOOL BAND.

Also:

By Reps. Dutton, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghyb:

H. J. R. 32. WISHING SENATOR ROGER BEDFORD A SPEEDY RECOVERY.

WHEREAS, our good friend and colleague, Senator Roger Bedford of Russellville, Alabama, has been involved in a serious accident preventing his attendance of legislative meetings, we the members of the Alabama State Legislature extend our prayers and good wishes for a speedy and total recovery; and

WHEREAS, recognizing Senator Bedford's abilities and talents in our legislature and knowing his love for his district and for the people of this great state of Alabama, we his fellow members of the Alabama State Legislature do beseech almighty God for guidance and blessings on Senator Bedford's period of recovery so that this dear friend of ours may return to a full and productive life and continue to contribute to the progress of his beloved state of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, to his family and to Senator Bedford, we the members of the Alabama State Legislature extend our heartfelt wishes for this upcoming holiday season and thanks to almighty God for His allowing Senator Bedford to survive this accident and pray that we shall all be together again in our beloved Capitol in Montgomery, Alabama during the upcoming Regular Session in February; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent

to Senator Bedford and his family to show our concern for our colleague.

On motion of Rep. Dutton, the rules were suspended and the resolution, H. J. R. 32, was adopted.

Also:

By Reps. Coleman and Rains:

H. J. R. 33. COMMENDING MR. AND MRS. JOHN THRASH ON THEIR 70TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent 70th Wedding Anniversary, November 23, 1983, of Mr. and Mrs. John D. Thrash of Martling, Alabama; and

WHEREAS, in the sight of God, John Thrash and Amzie Mitchell were joined in wedlock on November 23, 1913, by the Reverend Jeff Fletcher and these two fine people, forsaking all others, have remained in said Holy state for 70 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Thrash, who are 88 and 85 years young respectively, are the parents of seven children, two of whom are deceased, and are the loving grandparents of 25 wonderful grandchildren, 38 great-grandchildren and six great-great grandchildren; and

WHEREAS, Mr. Thrash, a retired carpenter, painter and block mason, and Mrs. Thrash, a homemaker, attribute their long, happy marriage to working together, loving each other and living a Christian life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Martling, Alabama, and wish them many more happy years together in their union blessed by God and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Thrash that they may know of our congratulations and warm best wishes.

On motion of Rep. Coleman, the rules were suspended and the resolution, H. J. R. 33, was adopted.

Also:

By Reps. Coleman and Rains:

H. J. R. 34. COMMENDING MR. AND MRS. HOMER McCAULEY ON THEIR 64TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent 64th Wedding Anniversary, September 28, 1983, of Mr. and Mrs. Homer J. McCauley, both of whom are lifelong residents of Martling on Sand Mountain; and

WHEREAS, in the sight of God, Homer McCauley and Stella McClen-don were joined in wedlock on September 28, 1919, by the Reverend Lewis Conway and these two fine people, forsaking all others, have remained in

said Holy state for 64 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. McCauley, who are 88 and 79 years young respectively, are the parents of two sons and are the loving grandparents of four wonderful grandchildren, ten great-grandchildren and three great-great granddaughters; and

WHEREAS, Mr. McCauley is a retired farmer and Mrs. McCauley, a homemaker, was involved in the art of quilting for many, many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Martling, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. McCauley that they may know of our congratulations and warm best wishes.

On motion of Rep. Coleman, the rules were suspended and the resolution, H. J. R. 34, was adopted.

Also:

By Reps. Kennedy, Zoghby, Buskey (James), Kvalheim, Harper, Gaston, Turner, Marietta, Box, Clark (W), Buskey (John), Melton, Thomas and Black:

H. J. R. 35. WELCOMING MR. OSSIE DAVIS AND MS. RUBY DEE AS HONORED GUESTS OF THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama anticipates with great pleasure the appearance of Mr. Ossie Davis and Ms. Ruby Dee at S. D. Bishop State Junior College on December 10, 1983; and

WHEREAS, the auspicious occasion for the featured entertainment by this world famous husband and wife team of Davis and Dee is the third annual Bishop State Alumni Dinner Dansante; and

WHEREAS, the entire State of Alabama is indeed honored to be hosts for artists of such calibre as Mr. Davis and Ms. Dee who together are the "creme de la creme" of stage, screen, radio and television; and

WHEREAS, their in-common stage appearances include roles in such noted plays as Purlie Victorious, authored by Mr. Davis, and A Raisin in the Sun; Ossie Davis also has appeared in Jeb, Anna Lucasta and Green Pastures while Ruby Dee's stage credits number among others King Lear, The Birds, The Agamemnon, and Boesman and Lena for which she won an Obie; and

WHEREAS, in aggregate, these two shining stars have appeared in more than a dozen motion pictures and Mr. Davis has directed several well-known movies; their television credits are numbered by the dozen and include King for which Mr. Davis received an Emmy nomination; and

WHEREAS, With Ossie & Ruby and The Ossie Davis and Ruby Dee

Story Hour, however, are perhaps their most famous team ventures: The first, a critically acclaimed PBS series; and the latter, a weekly radio series broadcast nationwide by the National Black Network; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in utmost commendation of exceptional achievement, we warmly welcome Mr. Ossie Davis and Ms. Ruby Dee to the State of Alabama and, most particularly, to Bishop State Junior College for its third Annual Alumni Dinner Dansante.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Ossie Davis and Ruby Dee, in expression of our pleasure in their visit to our State and in token of our highest regard of their multifaceted and worldwide success, both individually and "ensemble."

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 35, was adopted.

Also:

By Reps. Kennedy, Zoghby, Buskey (James), Kvalheim, Harper, Gaston, Turner, Marietta, Box, and Clark (W):

H. J. R. 36. COMMEMORATING THE 20TH ANNIVERSARY OF THE UNIVERSITY OF SOUTH ALABAMA.

WHEREAS, October 18, 1983, marked the beginning of a year-long observance of the 20th Anniversary of the University of South Alabama, dedicated on that date in 1964; and

WHEREAS, during these past 20 years, the University has experienced a phenomenal growth from a mere 276 students in the Summer of 1964 to an enrollment exceeding 9,500 for the Fall of 1983; and

WHEREAS, the University of South Alabama, which has graduated more than 12,000 students, offers two certificate programs, fifty-one bachelor degree programs, nineteen master's programs and three programs leading to the doctoral degree; and

WHEREAS, through its effective teaching faculty, the University motivates students to excel in their fields of study in preparation for professional careers essentially founded on academic excellence and personal growth; and

WHEREAS, in physical growth, the University of South Alabama has developed from a one-building facility to the multi-million-dollar campus it is today, including a medical school and its Brookley campus; situated on some 1,500 acres, the college continues to grow both through new construction and the expansion of existing facilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation of the administrators, faculty and staff of the University of South Alabama, we extend congratulations and express sincere praise on the occasion of the institution's 20th anniversary.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to University President Frederick P. Whiddon.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 36, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 36: Black, Britnell, Buskey (John), Grimsley, Laird, McDowell, McKee, McMillan, Melton, Onderdonk, Payne, Penry, Reed, Starkey, Thomas and White (F).

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 37. COMMENDING MR. AND MRS. JOHN W. DAVIS ON THEIR 70TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Reps. Nicholson and Brakefield:

H. J. R. 38. COMMENDING LINDA H. BAKER ON BEING NAMED "YOUNG CAREERIST - 1983."

WHEREAS, the Legislature of Alabama has noted that Linda H. Baker was named "Young Careerist - 1983" by the Jasper Business and Professional Women at their annual banquet on October 20, 1983; and

WHEREAS, Linda H. Baker is Family Living Editor for the *Daily Mountain Eagle* has entertained and informed the citizens of Walker County; and

WHEREAS, Linda H. Baker distinguished herself as a student at Walker College and the University of Alabama in Birmingham; and

WHEREAS, she has devoted her time and efforts to several civic organizations including the Jasper Pilot Club, United Way and the Walker County Health Council while actively pursuing her promising career; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Linda H. Baker on her distinguished journalistic career and express our sincere appreciation for her dedicated community service.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to Linda H. Baker that she may know of our sincere warm praise and highest regard.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 38, was adopted.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 39. COMMENDING MADELYN GLASS HORSLEY ON BEING NAMED WOMAN OF THE YEAR.

WHEREAS, the Legislature of the State of Alabama has noted with pleased accord the naming of Madelyn Glass Horsley as the Woman of the Year by the Jasper Business and Professional Women's Club on the 20th day of October 1983; and

WHEREAS, Madelyn Glass Horsley began teaching as a math teacher for the Huntsville City School System, moved on to the Walker County School System where she has served well as a Special Education teacher, Assistant Principal and presently as Principal of the Parrish Elementary and Junior High School; and

WHEREAS, she has devoted her energies to the youth of Walker County and has worked tirelessly to ensure that the children of Walker County receive the education they need and deserve; and

WHEREAS, Madelyn Glass Horsley has further distinguished herself through her civic participation and work in her church while rearing three fine children, Jesse Michael (Butch) Glass, Cindy Glass Harper and Cathy Glass; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Madelyn Glass Horsley on her distinguished educational career and express our sincere appreciation for her dedicated service on behalf of the youth of Alabama and most particularly in Walker County.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to Madelyn Glass Horsley that she may know of our sincere warm praise and highest regard.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 39, was adopted.

Also:

By Rep. Blakeney:

H. J. R. 40. CONGRATULATING MR. AND MRS. CLARENCE ALLEN BARKLEY OF SWEET WATER, ALABAMA, ON THE OCCASION OF THEIR 65TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Sixty-fifth Wedding Anniversary on December 17, 1983, of Mr. and Mrs. Clarence Allen Barkley of Sweet Water, Alabama; and

WHEREAS, Mr. Barkley and his lovely bride, Miss Sally Mae Hill, were united in marriage on December 17, 1918, in Atmore, Alabama, and have remained in said holy state for 65 years; and

WHEREAS, they have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example for others; and

WHEREAS, Mr. and Mrs. Barkley, both natives of Marengo County, are the parents of nine children, four sons and five daughters, and they are the loving grandparents of 21 wonderful grandchildren and 27 fine young great grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the family and friends in congratulating this exemplary Marengo County couple, Mr. and Mrs. Clarence Allen Barkley, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Barkley that they may know of our congratulations and sincere best wishes for every future happiness together.

On motion of Rep. Blakeney, the rules were suspended and the resolution, H. J. R. 40, was adopted.

Also:

By Reps. Brakefield and Nicholson:

H. J. R. 41. RESOLUTION MOURNING THE DEATH OF HAROLD "SHUG" WILSON.

WHEREAS, the Alabama Legislature was deeply saddened to learn of the death of Mr. Harold "Shug" Wilson on Sunday, November 27, 1983, in Jasper, Alabama; and

WHEREAS, Mr. Wilson was a native and a life long resident of Walker County, a veteran of World War II, a member of the United Mine Workers of America, Local 7813 of Gorgas, a charter member of the Civil Service Board of the City of Jasper since 1965, and had formally served as the Chief of Police for the Jasper Police Department; and

WHEREAS, further he was involved deeply in other areas through active participation as a member of the Veterans of Foreign Wars, American Legion and as a Mason; and

WHEREAS, Mr. Wilson was a contributing citizen of great ability and of complete and unquestioned integrity, who will be sorely missed by his family, associates and many friends;

NOW THEREFORE,

Be it resolved by the Legislature of Alabama, both Houses thereof concurring that we do grievously mourn and deeply regret the death of Harold "Shug" Wilson and extend our sincere sympathy to his family.

Be it further resolved that a copy of this resolution be sent to his wife, Irene Weldon Sherer Wilson and his son, Harold Steven Wilson that they may know of our regret.

On motion of Rep. Brakefield, the rules were suspended and the resolution, H. J. R. 41, was adopted.

Also:

By Reps. Box, Zoghby, Kennedy, Buskey (James), Kvalheim, Marietta, Gaston, Harper, Turner and Clark (W):

H. J. R. 42. COMMENDING JEFFREY EVERS, CHICKASAW, ALABAMA.

WHEREAS, the Alabama Legislature notes that Jeffrey Evers, accomplished pianist and 16-year-old son of Mr. and Mrs. William H. Evers, Chickasaw, Alabama, recently won, in the same week, both the Optimist Club-City of Mobile Talent Show "Best of Show Award" and the prestigious Music Teachers' National Association High School Auditions for the State of Alabama; and

WHEREAS, Jeffrey Evers, a junior at Vigor High School, has maintained an "A" average, and has earned many honors in music for his talents as a pianist over the last eight years, including competition at local, district and state levels; and

WHEREAS, Jeffrey Evers has won the State Festival for four years, and has receive a superior plus rating from the National Guild of Piano Teachers for eight years, and has appeared as a soloist with the New Orle-

ans Symphony, to name only a few of his achievements; and

WHEREAS, Jeffrey Evers, who is in the accelerated program for gifted students at Vigor High School, is involved in numerous scholastic and sports activities and is Assistant Editor of the Vigorama; he has been chairman, twice, of the "Miss Vigor Pageant"; he was the freshmen class representative for "Mr. Vigor" and next year he is designated as next year's United Fund Drive Chairman for Vigor; and

WHEREAS, Jeffrey Evers is a member of Gayfer's Teen Board and the Northside Bible Church where he is Vice-President of the Youth Group and serves as substitute pianist and organist; and

WHEREAS, in January, 1984, Jeffrey Evers will represent the State of Alabama at divisional auditions in Columbus, Georgia, and in February, 1984, he will attend the "Presidential Classroom for Young Americans" in Washington, D. C.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Jeffrey Evers for his outstanding achievements in piano at such a young age, for his exemplary scholastic honors and dedication to his church; we wish for him continued success in all his endeavors, particularly in his competition at the divisional auditions in Columbus, Georgia, and in the Presidential Classroom.

BE IT FURTHER RESOLVED, That the Clerk of the House cause a copy of this resolution to be sent to Jeffrey Evers so that he may know of our commendation and best wishes.

On motion of Rep. Box, the rules were suspended and the resolution, H. J. R. 42, was adopted.

Also:

By Rep. Rains:

H. J. R. 43. COMMENDING MR. AND MRS. COLEMAN COMBS ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, July 14, 1983, of Mr. and Mrs. Coleman Combs of Grove Oak, Alabama; and

WHEREAS, in the sight of God, Coleman Combs and Ardelle Short were joined in wedlock on July 14, 1933, in DeKalb County and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Combs are the parents of four children, three sons and one daughter, and are the loving grandparents of nine wonderful grandchildren; and

WHEREAS, Mr. Combs is a retired farmer and Mrs. Combs, a homemaker who still pursues her hobby of quilting, are members of Kelly's Chapel Missionary Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Grove Oak, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Combs that they may know of our congratulations and warm best wishes.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 43, was adopted.

Also:

By Reps. Rains and Lindsey:

H. J. R. 44. COMMENDING MR. AND MRS. W. E. HATLEY ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, July 15, 1983, of Mr. and Mrs. Willy Elmer Hatley of Geraldine, Alabama; and

WHEREAS, in the sight of God, W. E. Hatley and Zennith Geneva Stanfield were joined in wedlock on July 15, 1933, in Albertville, Alabama, and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Hatley, are the parents of three sons, one of whom is deceased, and one daughter; they also are the loving grandparents of eleven wonderful grandchildren and five fine great-grandchildren; and

WHEREAS, Mr. and Mrs. Hatley, who have been members of the Baptist Church for more than 45 years, currently belong to Geraldine Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Geraldine, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Hatley that they may know of our congratulations and warm best wishes.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 44, was adopted.

Also:

By Reps. Rains and Lindsey:

H. J. R. 45. CONGRATULATING MR. FLOYD PRADY ON HIS RETIREMENT.

WHEREAS, Mr. Floyd Prady was honored recently at a tea given by his friends in the tax collector's office of DeKalb County in Fort Payne upon his retirement; and

WHEREAS, Floyd retires after sixteen years as the assistant chief clerk at the age of 85; and

WHEREAS, his dedication to job, courtesy and efficiency marked his service to DeKalb County; and

WHEREAS, Floyd has also given generously of his time to family, friends, church and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend Mr. Floyd Prady for his dedicated service and wish him the best on his retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Prady.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 45, was adopted.

Also:

By Reps. Rains and Coleman:

H. J. R. 46. COMMENDING MR. AND MRS. LEONARD A. COLE ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent Golden Wedding Anniversary, November 12, 1983, of Mr. and Mrs. Leonard Arnold Cole of Albertville, Alabama; and

WHEREAS, in the sight of God, Leonard Cole and Elowea Allen were joined in wedlock on November 12, 1933, in Etowah County and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Cole are the parents of five children, four sons and a daughter, and are the loving grandparents of twenty-two wonderful grandchildren and two fine great-grandchildren; and

WHEREAS, Mr. Cole, a retired Civil Service employee, and Mrs. Cole, a homemaker, are both longtime members of the Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Albertville, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Cole that they may know of our congratulations and warm wishes.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 46, was adopted.

Also:

By Reps. Rains, Coleman and Bugg:

H. J. R. 47. COMMENDING CARL TROTTER BROTHERS FOR HIS DEDICATION AND FAITHFUL SERVICE TO THE LORD.

WHEREAS, Carl Trotter Brothers has retired as clerk and treasurer of the Marshall Missionary Baptist Association after serving in that capacity for over twenty-six years; and

WHEREAS, he has also served as clerk-treasurer of the Pleasant Hill No. 1 Church where he has been a deacon for over fifteen years; and

WHEREAS, Carl Trotter Brothers inquiring and astute mind, coupled with keen perception and rare sense of values so necessary to his position, have made his services particularly valuable; and

WHEREAS, he is a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated to his sense of duty and responsibility to the Lord as seen through his work in the Marshall Missionary Baptist Association and his church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Carl Trotter Brothers upon his retiring after twenty-six years of serving as clerk and treasurer of the Marshall Missionary Baptist Association.

BE IT FURTHER RESOLVED, That this body does wish him continued happiness in his service to the Lord during such retirement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Carl Trotter Brothers and his wife as an expression of our appreciation for his contribution to this State and in recognition of his long years of dedication and faithful service.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 47, was adopted.

Also:

By Reps. Rains, Coleman and Bugg:

H. J. R. 48. COMMENDING MR. AND MRS. PEARLIE HOLLAND ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent Golden Wedding Anniversary, September 24, 1983, of Mr. and Mrs. Pearlle Holland of Boaz, Alabama; and

WHEREAS, in the sight of God, Pearlle and Ludie 'Letha Ross were joined in wedlock on September 24, 1933, and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Holland are the parents of five children and are the loving grandparents of eleven wonderful grandchildren; and

WHEREAS, Mr. and Mrs. Holland have been members of the Baptist Church for several years, and at present are members of the Pleasant Hill

Baptist Church Number One; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Boaz, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Holland that they may know of our congratulations and warm best wishes.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 48, was adopted.

Also:

By Reps. Moore, Tanner and Smith:

H. J. R. 49. COMMENDING MISS SUSAN MELINDA HARDIN, SHELBY COUNTY'S 1983-84 JUNIOR MISS.

WHEREAS, the Alabama Legislature, in highest commendation, extends heartiest congratulations to Miss Susan Melinda Hardin on her selection as Shelby County's Junior Miss for 1983-84; and

WHEREAS, Miss Hardin, who won her crown from a field of 28 very lovely, and talented young ladies, also won the academic achievement award; she is the daughter of Mr. and Mrs. Nolan Lester Hardin and a student at Montevallo High School where she is an all-A honor student and is involved as well in numerous and varied activities; and

WHEREAS, her participation and memberships include the National Honor Society, Student Council, school newspaper, band, drama, Scholars Bowl Team, and a number of other academic teams, clubs and organizations; she is a Danforth Award Winner, Girls State Representative, Who's Who Among American High School Students and a Distinguished American High School Student; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Susan Melinda Hardin upon her selection as Shelby County's 1983-84 Junior Miss; we further congratulate Miss Hardin on her numerous other accomplishments and direct that she receive a copy of this resolution, in token of praise and in expression of our sincere best wishes for her every future success.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 49, was adopted.

Also:

By Reps. Zoghby, Kvalheim, Turner, Gaston, Box, Buskey (James), Kennedy, Marietta, Clark (W) and Harper:

H. J. R. 50. COMMENDING THE MURPHY HIGH SCHOOL FOOTBALL TEAM FOR ITS CHAMPIONSHIP SEASON.

WHEREAS, The Legislature of Alabama takes great pride in noting that the Murphy High School football team has become the 1983 Class 4A state champions; and

WHEREAS, Murphy, managing to cope with a continuous monsoon-

like downpour, defeated Austin High School, 7-0, for its first ever Class 4A title; and

WHEREAS, the Murphy football team worked diligently, long and hard to achieve the outstanding record of 14 wins and no losses. The team ran, blocked, passed and tackled with spectacular ability; and

WHEREAS, Coach Larry Henderson and his assistant coaches are due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Murphy High School football team for winning the 1983 Class 4A State Championship and direct that copies of this resolution be sent to each member of the team as evidence of our high esteem and warmest personal regard.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 50, was adopted.

Also:

By Reps. Zoghby, Kennedy, Box, Kvalheim, Buskey (James), Harper, Gaston, Turner, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G) and White (L):

H. J. R. 51. COMMENDING OUR COLLEAGUE, REPRESENTATIVE BETH MARIETTA, OF THEODORE, ALABAMA.

WHEREAS, upon election to the Alabama House of Representatives, our colleague, Mrs. Beth Marietta of Theodore, Alabama, became the first female attorney ever to serve in the Alabama Legislature; and

WHEREAS, Representative Marietta, House District 104, Mobile County, is engaged in the private practice of law in our State's Port City; since 1981, she has been a sole practitioner following tenures as assistant to the U.S. Magistrate, Southern District of Alabama; an associate with a Mobile attorney; and in partnership with a prominent Mobile law firm; and

WHEREAS, Mrs. Marietta, who was selected in 1976 as an Outstanding Young Woman of America, is a graduate of Montgomery's Sidney Lanier High School and of the University of South Alabama with a B.A. degree in Criminal Justice Administration; she then pursued a Master's degree at the University of Alabama before entering the university's School of Law, from which she received her J.D. degree in 1977, and later was admitted to the Alabama State Bar; and

WHEREAS, as a law student at the University, Mrs. Marietta served as

president and treasurer of the Student Bar Association, was a member of Bench and Bar Legal Honor Society and was the recipient of several select awards and honors; her professional activities and memberships include the presidency of the University of South Alabama Criminal Justice Administration Alumni Association; Troop Leader of Law Explorer Post, Boy Scouts of America; Mobile Bar Association, Alabama Trial Lawyers Association, Young Lawyers of the Mobile Bar, Alabama Criminal Defense Lawyers Association and the Mobile Democrats; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly praise and commend Mrs. Beth Marietta of Mobile on her many outstanding accomplishments, including of course her election to the Alabama Legislature as the first female attorney to so serve.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Representative Marietta in token of our sincere friendship and with warmest regard.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 51, was adopted.

Also:

By Rep. White (L):

H. J. R. 52. COMMENDING THE RUSSELL CORPORATION AND POP WARNER FOOTBALL FOR THEIR JOINT SPONSORSHIP OF THE RUSSELL ATHLETIC BOWL, THE FIRST NATIONAL YOUTH FOOTBALL CHAMPIONSHIP.

WHEREAS, on December 10, 1983, the City of Alexander City, Alabama, will host the first national youth football championship, The Russell Athletic Bowl, a joint extension by the Russell Corporation and Pop Warner Football of previously regional bowl games and festivities; and

WHEREAS, slated to become an annual event, this year's inaugural bowl will consist of games in the Peewee, Junior and Midget divisions with the participating teams determined by division finish and scholastic standing within their 4-region areas; and

WHEREAS, through its support and sponsorship, the Russell Corporation will help establish scholarship awards for worthy Pop Warner athletes thereby promoting the long-standing emphasis on scholastic achievement since the founding of Pop Warner Football in 1929; and

WHEREAS, the Alabama Legislature wholeheartedly supports the tradition and purpose of Pop Warner Football and joins in enthusiastic support of The Russell Athletic Bowl which focuses the eyes of America on the State of Alabama and on its host position for the first ever national youth football championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend The Russell Corporation of Alexander City, Alabama, and Pop Warner Little Scholars, Inc., and direct that they each receive a copy of this resolution in expression of our deep gratitude and sincere praise of their instrumental roles in recognition of achievement, in both football and scholarship, by America's youth.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 52, was adopted.

Also:

By Reps. Warren and Smith:

H. J. R. 53. EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

WHEREAS, The Legislative Forestry Study Committee, established by the Alabama Legislature, has had many meetings, hearings and its members have conducted an exhaustive study; and

WHEREAS, it is in the best interest of the Alabama Legislature to have this committee do additional studies and research into the area of its responsibilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby allocated an additional sum sufficient to cover the costs and expense allowances authorized for the committee, not to exceed \$7,500, which shall be paid from any funds appropriated for the use of the Legislature.

On motion of Rep. Warren, the rules were suspended and the resolution, H. J. R. 53, was adopted.

Also:

By Rep. Payne:

H. J. R. 54. HONORING MR. BILL PIKE FOR HIS MANY YEARS OF SERVICE WITH THE CENTER POINT FIRE DEPARTMENT.

WHEREAS, Mr. Bill Pike has served as a fireman with the Center Point Fire Department for 18 years; and

WHEREAS, in addition to working full-time as an automotive training manager he has devoted himself to the fire department by contributing his extra time and money to help organize and operate the department; and

WHEREAS, such devotion has enabled the department to survive difficult times and to remain a viable and well organized fire department; and

WHEREAS, Mr. Pike has terminated his service with the fire department in order to devote more time to his family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Bill Pike for his outstanding service to the Center Point community and direct that he and his family receive a copy of this resolution that they may be aware of our high praise and esteem.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 54, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 55. COMMENDING MR. CARL BOSECK.

WHEREAS, Mr. Carl Boseck, a life-long Elsanor resident, has been named the fifth annual Elsanor Citizen of the Year by the Elsanor Sewing Club, sponsor of the annual award; and

WHEREAS, Mr. Boseck has served as President of the Elsanor Community Center, is an active member of the fire department and is the treas-

urer of his church; and

WHEREAS, Carl Boseck is ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; and

WHEREAS, Mr. Boseck is known as a "helper" in the community, sharing fresh vegetables with his neighbors and keeping an eye on homes of owners who are out of town; and

WHEREAS, Carl Boseck's youthful outlook, vivacity and warm personality served as an inspiration to all with whom he comes in contact; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mr. Carl Boseck for being named the Citizen of the Year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Boseck so that he may know of our esteem.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 55, was adopted.

Also:

By Reps. Box and Turner:

H. J. R. 56. CLARIFYING THE LEGISLATIVE INTENT WITH RESPECT TO THE DISTRIBUTION FORMULA FOR SEVERANCE TAX IN SECTION 40-20-8, CODE OF ALABAMA 1975.

WHEREAS, the Legislature notes that the State of Alabama has made overpayments to certain municipalities from proceeds derived from oil and gas severance tax pursuant to Section 40-20-8, Code of Alabama 1975, as amended, because of a certain Attorney General's Opinion, dated August 19, 1980, relating to "Oil Severance Taxation-Distribution," in part, and also because of a lower court decision and then pending litigation which recently appears resolved; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That it was the legislative intent, at the time of enactment of Section 40-20-8, Code of Alabama 1975, as last amended, to not decrease the funds going to the municipalities.

BE IT RESOLVED FURTHER, That it is the legislative intent that no overpayment as a result of said Attorney General's Opinion should be repaid by the municipalities and such overpayment in error, made in good faith, should be ratified, affirmed and confirmed.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the State Comptroller and the Attorney General of the State of Alabama, as well as the Examiners of Public Accounts.

Rep. Box offered the motion to suspend the rules and adopt the resolution, H. J. R. 56.

DIVISION OF THE QUESTION

Rep. Johnson (Roy) called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Box to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 56, and the motion was lost.

The resolution, H. J. R. 56, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 19. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such funds to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby,

Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 19:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Butler, Carter, Clark (D), Coburn, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Goodwin, Grimsley, Hall, Hammett, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, McDowell, McKee, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Poole, Pratt, Preuitt, Reed, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (F) and White (G).

And the bill:

H. 20. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

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CO-SPONSORS ADDED

Reps. Venable and Brakefield were added as co-sponsors to the bill, H. 20.

RESOLUTION

The following resolution was introduced:

By Rep. Sasser:

H. J. R. 57. COMMENDING TRI-GLASS INDUSTRIES OF DALEVILLE, ALABAMA'S FASTEST GROWING COMPANY.

WHEREAS, it is with utmost commendation that the Alabama Legislature notes the inclusion of Tri-Glass Industries of Daleville in Inc. 500, a national ranking of the 500 fastest growing independent, privately held companies in the United States; and

WHEREAS, ranked according to percentage of sales increase from 1978 through 1982, Tri-Glass Industries holds the commanding 66th place on the list of these 500 impressive and aggressive top companies from more than a half million which qualify for candidacy, nationwide; and

WHEREAS, beginning as a 3-man shop in Dothan in 1973, Tri-Glass moved its operation to Daleville in 1974; originally a contractor for fiberglass components for other manufacturers, the company in 1978 developed designs and products for the van conversion and pickup truck accessories industry and began building its own network of distributors and dealers; and

WHEREAS, Tri-Glass growth since 1978 has been phenomenal, with sales shooting from some \$243,000 to more than four and three-quarter million in 1982; an additional 43% in growth is projected for 1983 with gross sales anticipated to top 9 million in 1984; and

WHEREAS, behind the Tri-Glass cinderella success story is owner and president Mr. Paul Thomas who is indeed deserving of highest praise for his outstanding accomplishments and for the ensuing positive impact of his company on the economy of our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Mr. Paul Thomas and Tri-Glass Industries of Daleville, Alabama, as number 66 among the 500 fastest growing companies in the United States.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Paul Thomas in token of our sincere regard and in expression of our deep gratitude for his company's contribution to the Wiregrass area of our State.

On motion of Rep. Sasser, the rules were suspended and the resolution, H. J. R. 57, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 25. To propose an amendment to the Constitution of Alabama of 1901, to permit nonprofit organizations in Chambers County to hold raffles for fund raising purposes, provided none of the proceeds are used to pay salaries of officials.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 2.

Yeas:

Reps. Adams, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

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Nays: Mr. Speaker and Holley.

—2

And the bill:

H. 13. (With Amendment): The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H.B. 13 on page 9, Section 5, (f), (l), (B), on lines 12 and 13, by striking through the following:

~~in the office of the Secretary of State~~

and adding in lieu thereof the following:

in the probate office of the county in which the property subject to the lien is situated.

And the amendment was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, White (F),

White (G), White (L) and Zoghby.

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AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 13 as amended:

Amend House Bill 13, page 13, line 29 as follows:

Delete the period after the word "sheriffs" and insert the following language:

; provided that the powers conferred on the Commissioner of Revenue, or his duly authorized representatives, by this Section shall not be effective until 60 days after receipt by the Sheriff of a writ of execution issued by the Revenue Department under Section 40-2-11(17), Code of Alabama 1975.

SUBSTITUTE AMENDMENT OFFERED

Rep. Payne offered the following substitute amendment to the amendment offered by Rep. Johnson (Roy) to the bill, H. 13 as amended:

On page 13, delete Section 7 in its entirety and renumber the remaining sections accordingly.

MOTION TO INDEFINITELY POSTPONE

Rep. Rains offered the motion to indefinitely postpone the bill, H. 13 as amended, and the pending amendments.

SUBSTITUTE MOTION ADOPTED

Rep. Sasser offered the substitute motion to recommit the bill, H. 13 as amended, and the pending amendments, and the substitute motion was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

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H. 13 RECOMMITTED

The Speaker recommitted the bill, H. 13 as amended and the pending amendments, to the Standing Committee on Ways and Means.

And the bill:

H. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of

Mobile Bay and declaring that title to such property is vested in the State of Alabama.

Was taken up.

MOTION TO ADJOURN

Rep. Johnson (Roy) offered the motion that the House adjourn until 12:00 o'clock noon, Wednesday, December 7, 1983.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Harper that the House adjourn until 5:00 o'clock p.m., Wednesday, December 7, 1983, was lost.

Yeas 26; Nays 59.

Yeas:

Reps. Bachus, Beers, Black, Box, Buskey (James), Clark (W), Cosby, Dutton, Gaston, Harper, Hooper, Kennedy, Kvalheim, McKee, McMillan, Marietta, Payne, Penry, Rice, Seibels, Starr, Turner, Turnham, White (G), White (L) and Zoghby.

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Nays:

Mr. Speaker, Adams, Biddle, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Butler, Campbell, Carter, Clark (J), Coburn, Coleman, Crow, Flowers, Ford, Fuller, Goodwin, Gray, Grimsley, Grouby, Hammett, Harvey, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Sasser, Smith, Spratt, Starkey, Tanner, Trammell, Venable, Warren and White (F).

—59

The question was then on the motion offered by Rep. Johnson (Roy) that the House adjourn until 12:00 o'clock noon, Wednesday, December 7, 1983.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Box that the House adjourn until 4:00 o'clock p.m., Wednesday, December 7, 1983, was lost.

Yeas 27; Nays 62.

Yeas:

Reps. Bachus, Beers, Black, Box, Buskey (James), Clark (W), Dutton, Gaston, Harper, Hettinger, Hooper, Kennedy, Kvalheim, McKee, McMillan, Marietta, Mikell, Payne, Penry, Rice, Seibels, Starr, Turner, Turnham, White (G), White (L) and Zoghby.

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Nays:

Mr. Speaker, Adams, Biddle, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (J), Coburn, Coleman, Cosby, Crow, Flowers, Ford, Fuller, Goodwin, Gray, Grimsley, Grouby, Hammett, Harvey, Holley, Holmes,

FOURTH EXTRAORDINARY SESSION
3rd Day

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Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Sasser, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Venable, Warren and White (F).

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The question was then on the motion offered by Rep. Johnson (Roy) that the House adjourn until 12:00 o'clock noon, Wednesday, December 7, 1983.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Box that the House adjourn until 3:00 o'clock p.m., Wednesday, December 7, 1983, was lost.

Yeas 26; Nays 57.

Yeas:

Reps. Bachus, Beers, Black, Box, Buskey (James), Clark (W), Dutton, Gaston, Harper, Hettinger, Hooper, Kvalheim, McKee, McMillan, Marietta, Mikell, Payne, Penry, Rice, Seibels, Starr, Turner, Turnham, White (G), White (L) and Zoghby.

—26

Nays:

Mr. Speaker, Adams, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Flowers, Ford, Fuller, Goodwin, Gray, Grimsley, Grouby, Hammett, Harvey, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Sasser, Smith, Starkey, Tanner, Trammell, Venable, Warren and White (F).

—57

The question was then on the motion offered by Rep. Johnson (Roy) that the House adjourn until 12:00 o'clock noon, Wednesday, December 7, 1983.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Box that the House adjourn until 2:00 o'clock p.m., Wednesday, December 7, 1983, was lost.

Yeas 42; Nays 50.

Yeas:

Reps. Bachus, Beers, Biddle, Black, Boles, Box, Brooks, Burke, Buskey (James), Carothers, Clark (W), Cosby, Dutton, Flowers, Ford, Gaston, Gray, Grouby, Harper, Hettinger, Hooper, Kennedy, Kvalheim, Lindsey, McKee, McMillan, Marietta, Mathis, Mikell, Payne, Penry, Preuitt, Rice, Seibels, Starkey, Starr, Thomas, Turner, Turnham, White (G), White (L) and Zoghby.

—42

Nays:

Mr. Speaker, Adams, Blake, Blakeney, Bowling, Brakefield, Britnell,

Browder, Bryant, Bugg, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Fuller, Goodwin, Grimsley, Hammett, Harvey, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Reed, Sasser, Smith, Spratt, Tanner, Trammell, Venable, Warren and White (F).

—50

The question was then on the motion offered by Rep. Johnson (Roy) that the House adjourn until 12:00 o'clock noon, Wednesday, December 7, 1983.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Box that the House adjourn until 1:00 o'clock p.m., Wednesday, December 7, 1983 was adopted.

Yeas 53; Nays 44.

Yeas:

Reps. Bachus, Beers, Biddle, Black, Boles, Box, Brooks, Buskey (James), Butler, Carothers, Clark (W), Cosby, Davis, Dutton, Faulk, Flowers, Ford, Gaston, Gray, Grouby, Harper, Harvey, Hettinger, Hooper, Horn, Johnson (R.G.), Kennedy, Kvalheim, Lindsey, McKee, McMillan, Marietta, Mathis, Mikell, Onderdonk, Payne, Penry, Perdue, Pratt, Preuitt, Rice, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Thomas, Turner, Turnham, White (G), White (L) and Zoghby.

—53

Nays:

Mr. Speaker, Adams, Blake, Blakeney, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Fuller, Goodwin, Grimsley, Hammett, Holley, Holmes, Johnson (Roy), Junkins, Laird, Lauderdale, Martin, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Rains, Reed, Smith, Tanner, Trammell, Venable, Warren and White (F).

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ADJOURNMENT

On motion of Rep. Box, the House adjourned until 1:00 o'clock p.m., Wednesday, December 7, 1983.

FOURTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, December 7, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Steve Heartsill, Pastor, Union Baptist Church, Honoraville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the rules were suspended and the reading at length of the Journal of the House for the third legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Teague:

S. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 1. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard:

S. 13. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, bearing compound interest or no interest, computed and payable at such time or times as may be provided, or at a discount equivalent to compound interest, and that this act is declarative of existing law.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 13. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Teague:

S. 3. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in pari materia with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 3. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Dial:

S. 16. Relating to military affairs and civil defense; amending: Section 31-2-8, Code of Alabama 1975, relating to the organization of the state guard; Section 31-2-9, Code of Alabama 1975, pertaining to the separate powers of the governor and adjutant general over the guard separate from

federal control; and Section 31-2-10 relating to appropriations for the state guard, so as to change the name from state guard to state defense force and to authorize the governor to call the state defense force into temporary action.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 16. Military Affairs.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 5. COMMENDING JOEL HAVEN HILL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit.

H. 26. (With Substitute): To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2 and 40-20-8, so as to provide for a definition of "submerged lands", "offshore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 20 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; simplify the allocation process; provide certain taxing limits on local government entities; and provide for an effective date.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with Amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 13. (With Substitute) (With Amendments): The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where

quick action is necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 29. To amend Section 34-8-2, Code of Alabama, 1975 relating to contractor license applications, so as to alter the filing waiting period.

H. 24. To appropriate \$10,000 from the general fund to the Department of Public Health for the purchase of rubella vaccine to be administered for the purpose of preventing birth defects; to grant immunity to public employees administering such vaccine; and to authorize the charging of fees for such immunizations.

H. 7. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in pari materia with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 17. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, bearing compound interest or no interest, computed and payable at such time or times as may be provided, or at a discount equivalent to compound interest, and that this act is declarative of existing law.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 3. To state the legislative intent; to amend §2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and/or amphetamine like anorectic drug or compound and/or any sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, §20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic

drug and/or sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, §20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Butler and Smith:

H. 30. To amend Section 17-4-156 of the Code of Alabama 1975, relating to sessions of board of registrars and working days for such boards, so as to provide that such sessions and working days shall be based on the fiscal year beginning October 1, 1983, and thereafter.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Holmes:

H. J. R. 58. SUPPORTING THE U.S. TROOPS STATIONED IN LEBANON.

WHEREAS, the Legislature of the State of Alabama notes with a sense of great pride the stationing of U.S. troops in Lebanon; and

WHEREAS, the role of the servicemen is integral to the peacekeeping force within the country; and

WHEREAS, along with several European Countries, the United States is attempting to halt the aggression of Syria which is merely a puppet of the U.S.S.R; and

WHEREAS, our goal in the area is to return the Country of Lebanon to its own citizenry; and

WHEREAS, to achieve this goal, the United States has stationed several branches of her armed forces; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we most highly support and praise the peacekeeping forces of the United States.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Ronald Reagan, Commander-in-Chief of our Armed Forces, that he may be aware of our approval of his endeavors in the Middle East.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 58, was adopted.

Also:

By Reps. White (L), Turnham, Starr, Smith, Hooper, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G) and Zoghyby:

H. J. R. 59. COMMENDING AUBURN UNIVERSITY ON WINNING THE SOUTHEASTERN CONFERENCE CHAMPIONSHIP.

WHEREAS, Auburn University's 23-20 win over the University of Alabama gave the Tigers an outstanding 10-1 season record and the Southeastern Conference Title; and

WHEREAS, ranked number three, nationally, the Tigers' next foe will be the Michigan Wolverines when the two powerhouses meet in the famed Sugar Bowl in New Orleans; and

WHEREAS, the Alabama Legislature is indeed proud, as is all Alabama, of our own Auburn Tigers who have claimed the SEC title and who will represent both our State and college football at its finest in the forthcoming Sugar Bowl classic; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Coach Pat Dye and his Auburn University Tigers on their capture of the Southeastern Conference Championship; we further join in an enthusiastic "War Eagle" as we wish them every success against Michigan, and direct that copies of this resolution be forwarded to both Coach Dye and to Auburn University in token of our sincerest warm praise and regard.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 59, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 60. HONORING DR. HUBERT BEVERLY SHEPHERD AS A REPRESENTATIVE TO THE ANIMO CRUSADE IN NIGERIA.

WHEREAS, Dr. Hubert Beverly Shepherd was chosen to attend the Animo Crusade held November 20-27, 1983, in Nigeria; and

WHEREAS, Dr. Shepherd was educated in the public schools of Georgia, attended New Orleans Baptist Theological Seminary and received his D.D. Degree from Mobile College; and has pastored churches in Georgia, Louisiana and Alabama, has retired after serving from June 1959 to October 1982 at the First Baptist Church, Fairhope, Alabama; and

WHEREAS, Dr. Shepherd served as president of the Alabama Baptist

Pastor's Conference in 1961 and 1962; and has held the following positions with the Alabama Baptist State Convention: 1st vice president; member, Administration Committee; member, Executive Board; chairman and member, Committee on Boards and Commissions; member, Board of Aid for Students in Church Vocations; and member, World Hunger and Relief Committee; and

WHEREAS, Dr. Shepherd has served in the educational field of Alabama as a teacher at Howard College Extension Center, Opp, Alabama; Director, Howard College Extension at Greenville; and as a member of the Board of Governors at Judson College; and

WHEREAS, in addition to his many involvements in educational and religious activities, many civic organizations and community affairs have benefited greatly from his participation, including Baldwin Youth Services; Board of Trustees, Fairhope Public Library; health care centers, nursing homes, hospitals and the Alabama Citizens Action Program; and

WHEREAS, Dr. Hubert Beverly Shepherd is married to the former Sarah King of Blakely, Georgia, and they are the parents of two sons and two daughters and the proud grandparents of eleven grandchildren; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate Dr. Shepherd for his representation of the United States and the State of Alabama by his participation in the Animo Crusade in Nigeria, and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Shepherd as a mere token of our warm praise and esteem.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 60, was adopted.

Also:

By Reps. Rains and Coleman:

H. J. R. 61. COMMENDING MR. AND MRS. L. C. WINDSOR ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, August 2, 1983, of Mr. and Mrs. L. C. Windsor of Boaz, Alabama; and

WHEREAS, in the sight of God, Luther Calvin Windsor and Vesta Smith were joined in wedlock on August 2, 1933, in DeKalb County and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Windsor are the parents of five children and are the loving grandparents of ten wonderful grandchildren and five great-grandchildren; and

WHEREAS, both Mr. and Mrs. Windsor have been members of the Baptist Church for more than 50 years and are now members of Kilpatrick Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Boaz, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Windsor that they may know of our congratulations and warm best wishes.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 61, was adopted.

Also:

By Reps. Rains and Moore:

H. J. R. 62. COMMENDING MR. AND MRS. LUTHER EDGAR BETHUNE ON THEIR 53RD WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the 53rd Wedding Anniversary, May 25, 1983, of Mr. and Mrs. L. E. (Luke) Bethune of Leeds, Alabama; and

WHEREAS, in the sight of God, Luther Edgar Bethune and Lillian Stephen Johnson were joined in wedlock on May 25, 1930, in Jackson County, Alabama, and these two fine people, forsaking all others, have remained in said Holy state for 53 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Bethune are the parents of three children and are the loving grandparents of eleven wonderful grandchildren; and

WHEREAS, both Mr. and Mrs. Bethune have been members of the Baptist Church for more than 50 years, currently of Tenbroeck Baptist Church where Mrs. Johnson continues, as always, in a leadership role; her hobbies include needlework, cooking and homemaking in general while Mr. Johnson's interest is basketball, a sport he played for 27 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Leeds, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Bethune that they may know of our congratulations and warm best wishes.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 62, was adopted.

Also:

By Reps. Rains and Burke:

H. J. R. 63. COMMENDING MR. AND MRS. LEE ROY JOHNSON ON THEIR 40TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the 40th Wedding Anniversary, July 18, 1983, of Mr. and Mrs. Lee Roy Johnson of Fyffe, Alabama; and

WHEREAS, in the sight of God, Lee Roy Johnson and Wanda Wiging-ton were joined in wedlock on July 18, 1943, at Fyffe, Alabama, in DeKalb County and these two fine people, forsaking all others, have remained in said Holy state for 40 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Johnson are the parents of four children and are the loving grandparents of three wonderful grandchildren; and

WHEREAS, both Mr. and Mrs. Johnson have been members of the Baptist Church for more than 40 years and are currently active in numerous areas of service at Fyffe First Baptist Church, and are active also in a number of other of their community's affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Fyffe, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Johnson that they may know of our congratulations and warm best wishes.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 63, was adopted.

Also:

By Rep. Laird:

H. J. R. 64. COMMENDING THE WOODLAND HIGH SCHOOL "BOBCATS" FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

WHEREAS, the Woodland Bobcats football team completed a most successful season by posting an outstanding 8-2 record; and

WHEREAS, this fine regular season record enabled the Bobcats to participate in the state Class 1A play-offs where they defeated Talladega County Training School before being eliminated by a fine team from Collinsville and thereby finishing 9-3 overall; and

WHEREAS, Head Coach Max Yarbrough and his able staff of assistants worked long and hard to turn the Woodland program toward the winning tradition and are due much credit for the class and courage displayed by this team throughout the season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the 1983 Woodland Bobcats football team for its outstanding season.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal Gerald McCord, head Coach Max Yarbrough, his assistant coaches and each team member.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 64, was adopted.

Also:

By Rep. Laird:

H. J. R. 65. COMMENDING THE HANDLEY HIGH SCHOOL TIGERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

WHEREAS, the Handley High School Tigers football team posted an outstanding regular season record of 9-1; and

WHEREAS, the 1983 Tigers advanced to the state class 2A playoffs where they defeated Hopeville High and Montevallo High before finally being eliminated by Cottonwood and thus finishing with a fine overall record of 11-2; and

WHEREAS, Head Coach Bill Ragle and his able staff of assistants are due much credit not only for the sharp execution which this team displayed throughout the season but also for its class and courage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the 1983 Handley High School Tigers football team for its outstanding season.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Thomas Turner, head coach Bill Ragle and his assistants and each team member.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 65, was adopted.

Also:

By Rep. Laird:

H. J. R. 66. COMMENDING RONALD D. HYCHE AN OUTSTANDING BAND AND MUSIC TEACHER.

WHEREAS, Mr. Ronald D. Hyche, in 1964, was employed by the Roanoke City Board of Education and is presently band and music teacher at the Handley High School; and

WHEREAS, Mr. Hyche's band program has been consistently recognized as superior in marching festivals in Knoxville, Tennessee (Dogwood Arts Festivals), Newnan, Georgia (Old South Marching Festivals), Gadsden, Alabama, Homewood, Alabama, St. Petersburg, Florida, and Oxford, Alabama; and

WHEREAS, Mr. Hyche's band program has been consistently recognized as superior in regards to the concert band and the concert band has performed in numerous places including Knoxville, Tennessee; and

WHEREAS, Mr. Hyche has succeeded in having many of his students selected as "All-State" bandmen; and

WHEREAS, he is an invaluable member of the Handley High School faculty and has contributed immeasurably to all activities of the school's programs; and

WHEREAS, Mr. Hyche's ability to work with parents has resulted in an outstanding public relations program in which the Band Boosters have provided the necessary funds for the operation of the band's programs; now

therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ronald D. Hyche, as an outstanding band and music teacher and hereby gratefully acknowledge his many valuable contributions to the students of Handley High School.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Ronald D. Hyche, that he may know of our high esteem and regard.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 66, was adopted.

Also:

By Reps. Escott, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 67. COMMENDING REPRESENTATIVE ASBURY HOWARD FOR NOTABLE LEGISLATIVE AND HUMANITARIAN SERVICE.

WHEREAS, State Representative Asbury Howard has long served his community, city, state and nation with dignity, in pride and with unselfish love for all mankind; and

WHEREAS, Representative Asbury Howard is a man of great conviction and humility; he is one who has seen wrong and tried to right it, has seen the helpless and tried to help, and has seen the hopeless and tried to restore hope; and

WHEREAS, Mr. Howard dedicated the youth of his years to the struggle for equality for all men, while carrying the message, "I am my brother's keeper regardless of his race, creed or color"; and

WHEREAS, State Representative Asbury Howard, a man of great courage and just principle, served the Alabama Legislature both long and well, always with honor and with utmost respect for his office; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express warmest regard for State Representative Asbury Howard.

BE IT FURTHER RESOLVED, That Mr. Howard receive a copy of this resolution which we offer in affection and personal friendship, and in admiration of the exceptional achievement of an extraordinary man.

On motion of Rep. Escott, the rules were suspended and the resolution H. J. R. 67, was adopted.

Also:

By Reps. Escott, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 68. COMMENDING DR. C. HOWARD NEVETT FOR DISTINGUISHED RELIGIOUS AND COMMUNITY SERVICE.

WHEREAS, State Representative C. Howard Nevett has served his community, church and state with dignity and in sincere concern for all mankind; and

WHEREAS, in so serving his community, in legislative capacity and as minister and pastor, Dr. Nevett has truly nurtured both the spiritual and physical souls of his fellowman; and

WHEREAS, State Representative C. Howard Nevett, as a champion for human rights, senior citizens' rights and the rights of the very young, instituted church programs to feed the elderly and educate the youth of his community; and

WHEREAS, he has given of his time, talents and personal resources to be a light for the lost and to aid and befriend the friendless; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep friendship and regard, we herein express utmost commendation of Dr. C. Howard Nevett for extraordinary and distinguished religious and community service.

BE IT FURTHER RESOLVED, That Dr. Nevett receive a copy of this resolution which we tender in warm, personal praise and esteem.

On motion of Rep. Escott, the rules were suspended and the resolution, H. J. R. 68, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Escott:

H. R. 69 COMMENDING DR. GENE GILMORE FOR OUTSTANDING SERVICE IN THE MINISTRY.

Also:

By Rep. Escott:

H. R. 70. COMMENDING THE REVEREND QUINTON E. HAMMONDS FOR OUTSTANDING RELIGIOUS SERVICE.

Also:

By Rep. Escott:

H. R. 71. MOURNING THE DEATH OF THE REVEREND EDDIE LEE NEVETT OF BIRMINGHAM, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Rogers:

H. J. R. 72. COMMENDING DR. JOHN P. ANDERSON OF BIRMINGHAM, ALABAMA.

WHEREAS, with great pleasure, the Alabama Legislature notes that John P. Anderson has served ably as Dean and Director of UAB Special Studies from 1974 to the present; and

WHEREAS, he has devoted himself to the ideals of continuing education and of public service to the Birmingham community; and

WHEREAS, he has held the rank of Professor of Civil Engineering at UAB and Professor of Mathematics at UAB and has twice earned the Outstanding Teacher Award at UAB; and

WHEREAS, he shall assume, effective January 1, 1984, the position of Vice-President for Administration and Planning at Wake Forest University in Winston-Salem, North Carolina; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are pleased to note and are grateful for the outstanding contributions to higher education of the State of Alabama which have been made by John P. Anderson.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Dr. Anderson and his family, and to officials at the University of Alabama in Birmingham.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 72, was adopted.

Also:

By Rep. Rogers:

H. J. R. 73. COMMENDING MR. CHARLES A. MAJORI.

WHEREAS, with great pleasure, the Alabama Legislature notes that Charles A. Majori has served as an able citizen of his community for seventy-two years, as of October 2, 1983; and

WHEREAS, he has devoted himself during these past years to farming and public service; and

WHEREAS, he has encouraged the ideals of higher education to his family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are pleased to note and are grateful for Charles A. Majori's loyalty and respect for our government and for the Governor of Alabama, The Honorable George C. Wallace.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. Majori in evidence of our sincere praise and regard.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 73, was adopted.

Also:

By Reps. McDowell, Biddle, Payne, Gray, Bachus, Seibels, Beers, Pratt, Boles, Trammell, Rogers, Horn, Perdue, White (G), McNair, Davis, Spratt and Escott:

H. R. 74. EXPRESSING THE LEGISLATURE'S SUPPORT OF ALABAMA HEALTH FAIR.

WHEREAS, Alabama Health Fair is a multi-sponsored nonprofit organization which, with the aid of volunteers, community and health resources, coordinates comprehensive screening and health education; and

WHEREAS, each health fair site offers a number of basic tests as well as an optional blood chemistry profile and all of the services, with the exception of the blood chemistry tests, are free to the participants; and

WHEREAS, Alabama Health Fair, first called Care Fair, was initiated in the Birmingham community in November of 1981 and during the 1982 Health Fair Week, 7800 participants in six counties were screened; Health Fair Week 1983 saw the number of participants screened, in eleven counties, rise to 9200; and

WHEREAS, plans are now under way for the 1984 Health Fair Week (April 27-May 5) which will encompass fifteen Alabama counties; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we do hereby express our support of Alabama Health Fair in its efforts to provide vital health care service to citizens in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Alabama Health Fair in Birmingham, Alabama.

On motion of Rep. McDowell, the rules were suspended and the resolution, H. R. 74, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 5 COMMENDING JOEL HAVEN HILL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Box, Turner, Onderdonk, Blakeney, Penry, Clark (W), White (F), McMillan, Kennedy, Buskey (James), Zoghby, Marietta, Kvalheim, Gaston and Harper:

H. J. R. 75. CLARIFYING THE LEGISLATIVE INTENT WITH RESPECT TO THE DISTRIBUTION FORMULA FOR SEVERANCE TAX IN SECTION 40-20-8, CODE OF ALABAMA 1975.

WHEREAS, the Legislature notes that the State of Alabama has made payments to certain municipalities from proceeds derived from oil and gas severance tax pursuant to Section 40-20-8, Code of Alabama 1975, as amended, because of a certain Attorney General's Opinion, dated August 19, 1980, relating to "Oil Severance Taxation-Distribution," in part, and also because of a lower court decision and then pending litigation which recently appears resolved; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That it was the legislative intent, at the time of enactment of Section 40-20-8, Code of Alabama 1975, as last amended, to not decrease the funds going to the municipalities.

BE IT RESOLVED FURTHER, That it is the legislative intent that no payments as a result of said Attorney General's Opinion should be repaid by the municipalities and such payments in error, made in good faith, should be ratified, affirmed and confirmed.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the State Comptroller and the Attorney General of the State of Alabama, as well as the Examiners of Public Accounts.

On motion of Rep. Box, the rules were suspended and the resolution, H. J. R. 75, was adopted.

Also:

By Reps. Butler, Hall, Brooks, Albright, Grayson and Hettinger:

H. R. 76. URGING THE PUBLIC UTILITIES OF THE CITY OF HUNTSVILLE TO REVISE COMPANY BILLING PROCEDURES AND COLLECTION POLICIES.

WHEREAS, computerized billing systems, as employed by the public utilities of the City of Huntsville, Alabama, are the cause of undue hardship on numerous citizens, primarily those who must exist on fixed, meager incomes, such as Social Security, and those who are struggling to survive on incomes which fall below the poverty level determined by the federal government; and

WHEREAS, as a result of computerized billing, for example, utility bills are sent out immediately upon reading of the meter and therefore, in numerous cases, are payable when many customers are without funds until

their next monthly income is received; and

WHEREAS, this dilemma has a particularly disastrous effect when "late" fees are added to a customer's bill; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That in concern for the needy and fixed-income citizens of Huntsville, we hereby urge the public utilities of that city to devise a billing system whereby such customers may be identified and, when ascertained eligible for consideration, will receive a grace period of at least 30 days before "late" fees are added to a customer's bill.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to each public utility in the City of Huntsville, Alabama.

On motion of Rep. Butler, the rules were suspended and the resolution, H. R. 76, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 77. COMMENDING MRS. FANNIE LOU WILSON, AN OUTSTANDING ALABAMIAN.

Also:

By Reps. Hettinger, Grayson, Hall, Butler and Albright:

H. R. 78. COMMENDING MRS. VELOREESE ANDREW HARPER OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

The following resolution was introduced:

By Reps. Venable and Mikell:

H. J. R. 79. MOURNING THE DEATH OF JUDGE WILLIAM MACON COUSINS, ELMORE COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature notes with deep regret the death of Judge William Macon Cousins, former Probate Judge of Elmore County, and resident of Wetumpka, Alabama; and

WHEREAS, the political career of Judge William Cousins in Elmore County spanned some thirty years of dedicated service to the people of Elmore County; and

WHEREAS, Judge William Cousins, a farmer and dairyman, was keenly interested in people and reflected his concern for their problems by serving them with honesty, integrity and fairness through his various offices; and

WHEREAS, Judge William Cousins, began his county service, as Circuit Clerk for Elmore County, which was interrupted by his military service with the artillery overseas, and in 1943 he was re-elected as Circuit Clerk with one of the highest number of votes of any elected Elmore County official; and

WHEREAS, Judge William Cousins was elected to two terms as Tax

Collector and from 1958 until 1970 he served with distinction as Judge of Probate of Elmore County and was noted for his compassion and understanding in administering his duties; and

WHEREAS, Judge William Cousins earned the love and respect of his fellow Elmore Countians and these were returned by him to them; he was a friend to all, no matter what walk in life, and touched the lives of untold numbers by his unpretentious and modest manner, his graciousness and his philanthropic deeds; and

WHEREAS, Judge William Cousins was instrumental in and responsible for acquiring the land to build the J.S. Tarwater Developmental Center in Wetumpka; he served as a member of the Board of Directors of the Coosa-Elmore Community Action Committee and he was a member of the First Baptist Church of Wetumpka; and

WHEREAS, with all of his long and successful political career and accomplishments Judge William Macon Cousins remained just "Willie" Cousins; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do mourn the death of Judge William Macon Cousins who gave so lovingly and generously his time, talents and energies to his fellow Elmore Countians and we do convey our great sympathy and compassion to the family of Judge Cousins.

BE IT FURTHER RESOLVED, That we do express our tenderest sympathies to his wife, Carolyn Johnson Cousins, and to his son, Dr. Samuel Cousins, and copies of this resolution shall be sent them so that they may know of our deep sympathy in their great loss.

On motion of Rep. Venable, the rules were suspended and the resolution, H. J. R. 79, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Reps. Richardson, Seibels and Adams.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Clark (D), Starkey and Goodwin:

H. R. 80. COMMENDING MISS ANGELA JACKSON, NORTH-WEST ALABAMA JUNIOR MISS FOR 1984.

Also:

By Reps. Clark (D), Starkey and Goodwin:

H. R. 81. CONGRATULATING BROOKS HIGH SCHOOL "LIONS", NAMED 1983 LAUDERDALE COUNTY CHAMPIONS.

Also:

By Reps. Hammett, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers,

Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 82. MOURNING THE TRAGIC DEATH OF PRIVATE JEFFERY TODD HATTAWAY.

Also:

The following resolutions were introduced:

By Reps. Mitchell, Poole and Johnson (Roy):

H. J. R. 83. CONGRATULATING MRS. MARY CELESTE ROSE MAXWELL OF MAXWELL CROSSING COMMUNITY IN TUSCALOOSA COUNTY, ON THE OCCASION OF HER 100TH BIRTHDAY.

WHEREAS, the Legislature of Alabama notes with pleasure the forthcoming 100th birthday on December 21, 1983, of Mrs. Mary Celeste Rose Maxwell of the Maxwell Crossing Community in Tuscaloosa County; and

WHEREAS, born December 21, 1883, to David Crawford and Nannie Lyons Rose in Vermillion Parrish, Louisiana, Mrs. Maxwell is the widow of the late Farley Maxwell; and

WHEREAS, Mrs. Maxwell is a prominent and beloved member of her community, and her 100th birthday is indeed an occasion of great joy for her many friends and neighbors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the many friends of Mrs. Mary Celeste Rose Maxwell in extending heartiest congratulations on her 100th birthday and direct that she receive a copy of this resolution in token of our sincere regard and warm best wishes for many more years of good health and happiness.

On motion of Rep. Mitchell, the rules were suspended and the resolution, H. J. R. 83, was adopted.

Also:

By Reps. Mitchell, Poole and Johnson (Roy):

H. J. R. 84. COMMENDING THE HONORABLE AARON WALDROP OF TUSCALOOSA, ALABAMA.

WHEREAS, the Honorable Aaron Waldrop of the City and County of Tuscaloosa, Alabama, has served with honor and distinction for many years as President of the Tuscaloosa Central Labor Council; and

WHEREAS, during these years, Mr. Waldrop has on many occasions visited with the Legislature and has effectively represented his Council before the committees of the House and Senate; and

WHEREAS, Mr. Waldrop has let it be known that he will not seek reelection as Council President and his smiling face and winsome personality will be missed by all who knew him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely wish for Mr. Wal-drop the best of everything and extend our congratulations to him upon his completion of many years as President of the Tuscaloosa Central Labor Council.

On motion of Rep. Mitchell, the rules were suspended and the resolution, H. J. R. 84, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 85. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Wednesday, December 7, 1983, we adjourn to meet again on Thursday, December 8, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 85, was adopted.

Also:

By Reps. Payne, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 86. COMMENDING FORMER REPRESENTATIVE J. T. WAGGONER FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, J. T. "Jabo" Waggoner of Vestavia Hills served the State of Alabama as Representative from House District 51 from 1967 to 1983; and

WHEREAS, Representative Waggoner's legislative tenure was marked in its accomplishment and his abilities were recognized through assignment to such important committees as Ways and Means, Local Government and Local Legislation No. 2 of which he was Chairman; and

WHEREAS, Jabo Waggoner is the only person in the history of Alabama to have been elected from Jefferson County for five consecutive terms; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative Waggoner for outstanding service to both House District 51 and all of Jefferson County, and to the entire State of Alabama as well.

BE IT FURTHER RESOLVED, That a copy of this resolution be for-

warded to our distinguished former colleague, Representative Jabo Waggoner, in small token of our sincere appreciation and regard.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 86, was adopted.

Also:

By Rep. Payne:

H. J. R. 87. COMMENDING FORMER REPRESENTATIVE DON MURPHY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, Representative Don Murphy of Pelham served the State of Alabama as Representative from House District 49 from 1982 to 1983; and

WHEREAS, Representative Murphy's legislative tenure was marked in its accomplishment, and his abilities were recognized through assignment to such important committees as Natural Resources, Public Welfare, Public Utilities and Transportation, Military Affairs, Small Business and Local Legislation for Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative Don Murphy for outstanding service to both House District 49 and all of Jefferson County, and to the entire State of Alabama as well.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our distinguished former colleague, Representative Don Murphy, in small token of our sincere appreciation and regard.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 87, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 87:

Mr. Speaker, Beers, Biddle, Boles, Bowling, Brakefield, Brooks, Butler, Carter, Coleman, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Gray, Grimsley, Hammett, Harper, Hettinger, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, McKee, Melton, Mikell, Moore, Newman, Nicholson, Penry, Perdue, Poole, Pratt, Preuit, Rains, Rice, Rogers, Starkey, Starr, Tanner, Trammell, Venable, Warren, White (G) and White (L).

Also:

By Reps. Payne, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed,

Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 88. COMMENDING FORMER REPRESENTATIVE VAN SCOTT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, Doctor Van Scott of Mountain Brook served the State of Alabama as Representative from House District 31 from 1982 to 1983; and

WHEREAS, Representative Scott's legislative tenure was marked in its accomplishment, and his abilities were recognized through assignment to such important committees as Health, Local Government and Local Legislation for Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative Van Scott for outstanding service to both House District 31 and all of Jefferson County, and to the entire State of Alabama as well.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our distinguished former colleague, Representative Van Scott, in small token of our sincere appreciation and regard.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 88, was adopted.

Also:

By Reps. Payne, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 89. COMMENDING FORMER REPRESENTATIVE JARUSHIA THORNTON FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, Representative Jarushia (Jeri) Thornton of Birmingham served the State of Alabama as Representative from House District 44 from 1982 to 1983; and

WHEREAS, Representative Thornton's legislative tenure was marked in its accomplishment, and her abilities were recognized through assignment to such important committees as Judiciary, Business and Labor, and Local Legislation for Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative Jeri Thornton for out-

standing service to both House District 44 and all of Jefferson County, and to the entire State of Alabama as well.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our distinguished former colleague, Representative Jarushia Thornton, in small token of our sincere appreciation and regard.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 89, was adopted.

Also:

By Reps. Payne, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 90. COMMENDING FORMER REPRESENTATIVE ROBERT C. GAFFORD FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, Robert C. Gafford of Birmingham served the State of Alabama as Representative from House District 33 from 1966 to 1983; and

WHEREAS, Representative Gafford's legislative tenure was marked in its accomplishment, and his abilities were recognized through assignment to such important committees as Judiciary, Constitution and Elections, Local Legislation No. 2, and Banking, on which he served as Chairman; and

WHEREAS, Bob Gafford has been voted the hardest working member of the House of Representatives by the Capitol Press Corps and the Alabama Press Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative Gafford for outstanding service to both House District 33 and all of Jefferson County, and to the entire State of Alabama as well.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our distinguished former colleague, Representative Gafford, in small token of our sincere appreciation and regard.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 90, was adopted.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

Was taken up.

H. 1 TEMPORARILY POSTPONED

On motion of Rep. Campbell, the bill, H. 1, was temporarily postponed.

BILLS ON THIRD READING

And the bill:

H. 2. (With Amendment): To amend Code of Alabama, 1975, Sections 16-55-1, 16-55-2, 16-55-3, 16-55-5, 16-55-6, 16-55-7, 16-55-8, and 16-55-9 so as to reconstitute the Board of Trustees, clarify the duties and responsibilities thereof, and provides for an effective date.

Was taken up.

H. 2 TEMPORARILY POSTPONED

On motion of Rep. Campbell, the bill, H. 2, was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 32. WISHING SENATOR ROGER BEDFORD A SPEEDY RECOVERY.

Also:

H. J. R. 36. COMMEMORATING THE 20TH ANNIVERSARY OF THE UNIVERSITY OF SOUTH ALABAMA.

Also:

H. J. R. 52. COMMENDING THE RUSSELL CORPORATION AND POP WARNER FOOTBALL FOR THEIR JOINT SPONSORSHIP OF THE RUSSELL ATHLETIC BOWL, THE FIRST NATIONAL YOUTH FOOTBALL CHAMPIONSHIP.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:00 P.M. On December 7, 1983.

JOURNAL OF THE HOUSE, 1983
4th Day

H. J. R. 5.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 85, heretofore adopted, the House adjourned until 10:00 a.m., Thursday, December 8, 1983.

FIFTH DAY

House of Representatives
Montgomery, Alabama
Thursday, December 8, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Minister Barbara Ann Baker, Pastor, Pentacostal Holiness Temple, Tuskegee, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the rules were suspended and the reading

at length of the Journal of the House for the fourth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

BILLS ON SECOND READING

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 14. To amend Act No. 83-75 enacted at the 1983 First Special Session of the Legislature of Alabama, as amended, which act relates to the power of counties to issue warrants to finance the costs of necessary public buildings, bridges and roads; to authorize each county in the State of Alabama to sell and issue from time to time warrants for the purpose of paying the costs of acquiring (by construction, purchase or otherwise) public facilities which such county is authorized to acquire by laws other than this act; to define public facilities and other particular terms used in the substantive provisions of this act; to authorize the county commission of each county issuing warrants pursuant to the provisions of this act to determine whether such warrants shall be general obligations of such county or limited obligations payable solely from a specified source; to authorize such county commission to determine, within the constraints of this act, the terms and conditions of such warrants; to provide that certain taxes, revenues and other funds may be pledged as additional security for general obligation warrants issued under the provisions of this act; to provide that certain taxes, revenues and other funds may be pledged as the sole source of payment for limited obligation warrants issued under the provisions of this act; to specify the effect and priority of any such pledges; to authorize the issuance of refunding warrants and to specify the nature of the debt that may be refunded thereby; to provide that warrants issued under the provisions of this act shall be legal investments; to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county; to provide that the provisions of this act shall control over inconsistent provisions of other laws; and to provide that the provisions of this act shall be severable.

H. 21. To provide that each municipality in the State of Alabama shall have the authority to enter into binding option agreements with respect to any land held by it as the site of an industrial park, subject to certain conditions and limitations.

Rep. Ford, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 16. Relating to military affairs and civil defense; amending: Section 31-2-8, Code of Alabama 1975, relating to the organization of the state guard; Section 31-2-9, Code of Alabama 1975, pertaining to the separate powers of the governor and adjutant general over the guard separate from federal control; and Section 31-2-10 relating to appropriations for the state guard, so as to change the name from state guard to state defense force and to authorize the governor to call the state defense force into temporary action.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S.1. Negating land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

S. 13. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, bearing compound interest or no interest, computed and payable at such time or times as may be provided, or at a discount equivalent to compound interest, and that this act is declarative of existing law.

S. 3. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in pari materia with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

H. 30. To amend Section 17-4-156 of the Code of Alabama 1975, relating to sessions of boards of registrars and working days for such boards, so as to provide that such sessions and working days shall be based on the fiscal year beginning October 1, 1983, and thereafter.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Clark (J):

H. 31. To amend Code of Alabama, 1975, Sections 40-25-60 and 40-25-62, so as to levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state, provide for the distribution of same and provide an effective date.

Ways and Means.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 91. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That the following bill be made special, paramount and continuing order of business beginning Thursday, December 8, 1983, taking precedence over any other business of the House until such time as said bill is disposed of:

BILL NO.	SPONSOR & TITLE	PAGE NO.
H. B. 13 (W/Sub.) (W/Amdts.)	By Rep. Johnson (Roy) Property tax law enforcement	3

On motion of Rep. Clark (J), the resolution, H. R. 91, was adopted.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 32. WISHING SENATOR ROGER BEDFORD A SPEEDY RECOVERY.

Also:

H. J. R. 36. COMMEMORATING THE 20TH ANNIVERSARY OF THE UNIVERSITY OF SOUTH ALABAMA.

Also:

H. J. R. 52. COMMENDING THE RUSSELL CORPORATION AND POP WARNER FOOTBALL FOR THEIR JOINT SPONSORSHIP OF THE RUSSELL ATHLETIC BOWL, THE FIRST NATIONAL YOUTH FOOTBALL CHAMPIONSHIP.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 92. COMMENDING THE HOKES BLUFF EAGLES FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. Richardson.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Rains, Burke and Browder:

H. J. R. 93. COMMENDING MR. AND MRS. JAMES ALLEN JOHNSON ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, October 26, 1983, of Mr. and Mrs. J. E. (Jim) Johnson of Jacksonville, Alabama; and

WHEREAS, in the sight of God, James Allen Johnson and Ola Shirey were joined in wedlock on October 26, 1933, near Fyffe in DeKalb County and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Johnson are the parents of three children and the loving grandparents of seven wonderful grandchildren and two fine great-grandchildren; and

WHEREAS, Mr. Johnson, a former merchant, farmer and school teacher, also served for six years as chief clerk in the DeKalb County Probate Judge's office, and served one six-year term as Probate Judge; he and his wife Ola, a homemaker, have been members of the Baptist Church for more than 50 years and currently are members of the First Baptist Church of Jacksonville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Jacksonville, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Johnson that they may know of our congratulations and warm best wishes.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 93, was adopted.

Also:

By Rep. White (F):

H. J. R. 94. COMMENDING MR. AND MRS. RUFUS WHITE OF POLLARD, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama House of Representatives notes with pleasure the Golden Wedding Anniversary on October 14, 1983, of Mr. and Mrs. Rufus White of Pollard, Alabama; and

WHEREAS, Mr. Rufus White and his lovely bride, Mary Elizabeth, were united in marriage on October 14, 1933 in Brewton, Alabama, and have remained in said holy state for the past 50 years; and

WHEREAS, they have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example to others; and

WHEREAS, Mr. and Mrs. White are the parents of four sons and the loving grandparents of 12 grandchildren and two great grandchildren, all of whom were in attendance, along with more than 200 other family members and friends on October 16 when the couple was honored at a reception hosted by their children: Mr. and Mrs. Rufus Donald White, Mr. and Mrs. Frank Paul White, Mr. and Mrs. Charles Michael White and Mr. and Mrs. John Douglas White; now therefore,

BE IT RESOLVED THE THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the family and friends in congratulating this exemplary Escambia County couple, Mr. and Mrs. Rufus White, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. White that they may know of our congratulations and sincere best wishes for every future happiness together.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 94, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Newman:

H. R. 95. COMMENDING COACH JACK HANKINS OF MILLPORT HIGH SCHOOL.

Also:

The following resolution was introduced:

By Reps. Zoghby, Turner, Marietta, Gaston, Box, Buskey (James), Kennedy, Clark (W), Kvalheim and Harper:

H. J. R. 96. MOURNING THE DEATH OF MRS. CORNELIA McDUFFIE TURNER OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the death of Mrs. Cornelia McDuffie Turner of Mobile, Alabama, in August 1983; and

WHEREAS, though a Mobile native, Mrs. Turner's early years were spent in Washington, D. C., while her father was serving in Congress as U. S. Representative from Alabama's First Congressional District; and

WHEREAS, Mrs. Turner, who attended Holton Arms School in Washington and Sweetbriar College, returned to Mobile with her family in 1936; and

WHEREAS, a former debutante and Mardi Gras Queen, Mrs. Turner also was a former columnist whose column "Chit Chat," which she began writing from her home in 1947, was featured for many years in the *Mobile Press-Register*; at the time of her death she was serving as editor of the paper's Living Today section and as editor of the monthly Port City Magazine, produced by the *Press-Register*; and

WHEREAS, Mrs. Turner's activities and involvement, however, far transcended her journalistic accomplishments, encompassing numerous areas of civic concern; and

WHEREAS, she was an organizer of both Camellia Ball and the America's Junior Miss Pageant, and was a member of the Mobile Junior League for a number of years; she further served as president of many civic and social organizations including the Mobile Chapter of the Society of Professional Journalists, Sigma Delta Chi, Alabama Women's Press Association and the Mobile County Mental Health Association, among others; and

WHEREAS, Mrs. Turner was most particularly a supporter of the Arthritis Foundation which acknowledged her service both through national

recognition and through the establishment of a Cornelia McDuffie Turner Fellowship for research at the University of South Alabama; and

WHEREAS, she further was the recipient of such prestigious awards as Mobile First Lady of 1980 and the Distinguished Service Award in 1972 of the Alabama Historical Commission; and

WHEREAS, in the death of Cornelia McDuffie Turner, the City of Mobile has indeed lost a dear friend whose life in service to others will for years be reflected in her legacy of accomplishment on behalf of her beloved hometown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Cornelia McDuffie Turner of Mobile, Alabama, and extend our very deepest sympathy to her children and other family members to whom a copy of this resolution shall be sent in expression of our shared sorrow in their great and grievous loss.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 96, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Figures and Bedsole:

S. J. R. 18. COMMENDING MURPHY HIGH SCHOOL OF MOBILE, STATE 4A FOOTBALL CHAMPIONS FOR 1983.

Also:

By Senator Dial:

S. J. R. 19. COMMENDING THE COLLINSVILLE PANTHERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

By Senator Little:

S. J. R. 20. EXPRESSING COMMENDATION AND SUPPORT OF THE INAUGURAL RUSSELL ATHLETIC BOWL, THE FIRST NATIONAL POP WARNER FOOTBALL CHAMPIONSHIP.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 18, S. J. R. 19 and S. J. R. 20, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Goodwin, Aldridge, Amari, Bailey, Barron, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 14. WISHING SENATOR ROGER BEDFORD, JR., ALL GOOD WISHES FOR A SPEEDY AND COMPLETE RECOVERY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 14, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Rules Committee:

S. J. R. 15. RELATING TO THE PRINTING OF ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the printed Acts and Journals of the Third and Fourth Special Sessions 1983 be bound with the printed Acts and Journals of any subsequent special sessions prior to the 1984 Regular Session.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 15, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Sen. Foshee:

S. J. R. 17. RELATING TO JOINT RULE 12 OF THE TWO HOUSES OF THE ALABAMA LEGISLATURE, AMENDING SAID RULE WITH REFERENCE TO LOCAL LEGISLATION BILLS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Joint Rule 12, (d) be amended to read as follows:

“(d) The provisions of this rule shall not apply to local bills, however, effective in January 1984, drafts of all local legislation bills which are for introduction at any Session of the Legislature, and which are not prepared

by the Legislative Reference Service, must be presented to the Legislative Reference Service for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 17, set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Holmes, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 97. CONGRATULATING HOUSE SPEAKER TOM DRAKE.

Also:

By Reps. Holmes, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 98. CONGRATULATING OUR COLLEAGUE, REPRESENTATIVE ROY JOHNSON.

Also:

By Reps. Newman, Rains and Cosby:

H. R. 99. COMMENDING MILLPORT SCHOOL ON ITS OUTSTANDING 1983 FOOTBALL SEASON.

Also:

The following resolution was introduced:

By Reps. Ford, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 100. RECOGNIZING DECEMBER 7, AS PEARL HARBOR DAY.

WHEREAS, on December 7, 1941, at 7:55 a.m. local time while peace negotiations were going on with Japanese representatives in Washington, Japanese carrier-based planes swept in without warning over Oahu and in a surprise attack, attacked the bulk of the United States Pacific fleet, moored in Pearl Harbor; and

WHEREAS, nineteen naval vessels, including eight battleships, were sunk or severely damaged and 188 United States aircraft were destroyed; and

WHEREAS, our military casualties were 2,280 killed and 1,109 wounded and 68 civilians were also killed on this day of infamy in 1941; and

WHEREAS, as a result, on December 8, 1941, the United States declared war on Japan; and

WHEREAS, the United States ultimately succeeded in a military victory over Japan; and

WHEREAS, Pearl Harbor is now a national historic landmark where a memorial has been built over the sunken hulk of the USS Arizona; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That forty-two years later we recognize this day, December 7, as Pearl Harbor Day, in memory of those who gave their lives at Pearl Harbor in defense of our country.

BE IT FURTHER RESOLVED, That this day should stand as a warning that this country should never again be caught off guard in the defense of its shores, and in defense in the principals of freedom.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to the President of the United States, to the Secretary of Defense of the United States and to all of the members of the Alabama Congressional Delegation in Washington, D.C., as an expression of the Legislature of Alabama and the people whom we represent, that this country should always maintain its military superiority in order to discourage and prevent any such acts of aggression that might be contemplated by another foreign power.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 100, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bennett, Amari, and Cabaniss:

S. J. R. 21. CONGRATULATING BROOKWOOD MEDICAL CENTER ON ITS 10TH ANNIVERSARY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 21, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Parsons:

S. J. R. 22. CONGRATULATING OAK GROVE HIGH SCHOOL, STATE 2A FOOTBALL CHAMPIONS FOR 1983.

Also:

By Senators Covington and Foshee:

S. J. R. 35. COMMENDING MRS. ANN GALLOWAY, ANHA "ADMINISTRATOR OF THE YEAR."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 22 and S. J. R. 35, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parsons, Pearson,

Sanders, Smith (B), Smith (J), Strong and Teague:

S. J. R. 33. COMMENDING COACH PAT DYE AND AUBURN UNIVERSITY ON THE TIGERS' SOUTHEASTERN CONFERENCE CHAMPIONSHIP.

WHEREAS, following the 1983 Iron Bowl Classic in Birmingham, Auburn University reigned supreme as the Southeastern Conference Champions; and

WHEREAS, Coach Pat Dye's Tigers finished their regular season with a phenomenal 10-1 record, completing a schedule that's been acknowledged as the most formidable faced by any college football team in the nation; and

WHEREAS, with the last of their regular season games under wraps, the Tigers will next face the Michigan Wolverines in the famed Sugar Bowl Classic; and

WHEREAS, Coach Dye and his 1983 team are indeed deserving of highest praise for such exceptional accomplishments, and we are sincere in our gratitude for the fame and honor Auburn University has brought to our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Coach Pat Dye and his 1983 Southeastern Conference Champions.

BE IT FURTHER RESOLVED, That Coach Dye receive a copy of this resolution, on behalf of the team and his staff, and that a copy also be forwarded to the University for appropriate display.

McDOWELL LEE
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 33, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Parsons:

S. J. R. 34. COMMENDING THE OAK GROVE HIGH SCHOOL TIGER BAND.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 34, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Sen. Foshee:

S. J. R. 10. JOINT INTERIM COMMITTEE TO STUDY PARKING FACILITIES IN CAPITOL COMPLEX.

WHEREAS, there is an urgent need for expanded parking facilities in the state capitol complex area in Montgomery, Alabama; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee, which shall be named the "Joint Interim Parking Facility Study Committee," which shall study the feasibility of expanding the parking facilities in the state capitol complex in Montgomery. The committee shall be composed of six (6) members; three (3) senate members appointed by the Lieutenant Governor and three (3) house members appointed by the Speaker. The committee shall select from among its number a chairman, and shall meet upon the chairman's call. The committee shall report its findings and suggestions to the Legislature not later than the fifth (5th) legislative day of the 1985 Regular Session.

Members shall receive the normal legislative compensation, expense allowance and per diem for each day they meet, provided that they shall not be paid while the legislature is in session. It is also further provided that in no event shall the total expenses of the committee exceed \$1,000. The clerk of the house and secretary of the senate shall provide such materials and clerical help as are required for the committee to conduct its meetings.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 10, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Sen. Bailey:

S. J. R. 8. TO AMEND AND REENACT ACT NO. 79-43, H. J. R. 19 OF THE FIRST SPECIAL SESSION 1979 (ACTS 1979, PAGE 61) WHICH RELATES TO THE CREATION OF A CONTINUING JOINT COMMITTEE ON AGRICULTURE, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED ANNUAL EXPENDITURES OF THE COMMITTEE.

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be a joint study committee on agriculture, which shall be a continuing committee to make a study of the condition of agriculture and conservation in the state,

hold hearings and inquire into ways and means of improving conditions in the field of agriculture and conservation in the state. The committee shall make a report to the legislature before the 25th legislative day of all future regular sessions of the legislature.

"BE IT FURTHER RESOLVED, That the committee shall consist of the members of the House Committee on Agriculture, and Forestry and the Senate Committee on Agriculture, Conservation and Forestry and certain members of the Legislature, as appointed by the Speaker of the House and the Lieutenant Governor. The chairman of the Senate Committee on Agriculture, Conservation and Forestry shall serve as the Chairman of this committee, and the Chairman of the House Committee on Agriculture and Forestry shall serve as the Vice-Chairman. The chairman of the committee shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee and may appoint subcommittees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. The total expenditures of the committee shall not exceed ten thousand dollars per year, inclusive of per diem legislative pay and travel expenses, provided no member shall be paid for any day that they do not meet. Any out-of-state travel must be approved by the Governor. The Secretary of the Senate shall provide secretarial and stenographic assistance and postage as required. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 8, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

NOTICE IN WRITING

Rep. Buskey (James) filed the following Notice in Writing:

Notice is hereby given, in accordance with House Rule 7, that on the next Legislative Day, a motion will be made to amend the House Rules as follows:

Amend House Rule 5, which rule provides that the first order of business in the House shall Report of the Committee on Rules, to read as follows:

Rule 5. The order of business in the House shall be:

(1) Miscellaneous business.

NOTICE IN WRITING

Rep. Buskey (James) filed the following Notice in Writing:

Notice is hereby given, in accordance with House Rule 7, that on the next Legislative Day, a motion will be made to amend the House Rules as follows:

House Rule 31a, which rule provides that any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill, is hereby repealed.

NOTICE IN WRITING

Rep. Buskey (James) filed the following Notice in Writing:

Notice is hereby given, in accordance with House Rule 7, that on the next Legislative Day, a motion will be made to amend the House Rules as follows:

Amend House Rule 20, which rule provides that bills, motions, and reports may be recommitted at the pleasure of the House, by deleting this rule in its entirety and substituting in lieu thereof the following:

Bills, motions, and reports may be recommitted at the pleasure of the House, except that on any bills, motions and reports dealing with submerged lands, offshore drilling and the like will be recommitted by a vote only of the members of the county or counties of the State where the submerged lands, offshore drilling and the like are located.

NOTICE IN WRITING

Rep. Buskey (James) filed the following Notice in Writing:

Notice is hereby given, in accordance with House Rule 7, that on the next Legislative Day, a motion will be made to amend the House Rules as follows:

Amend House 48, which rule provides that no committee shall sit during the sitting of the House without special leave, by repealing it in its entirety for the remainder of this Fourth Extraordinary Session, 1983.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 13. (With Substitute) (With Amendments): The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the bill, H. 13, and to the pending substitute and amendments reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

The purpose of this Act is to increase revenue and promote compliance

with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as the "Tax Enforcement and Compliance Act" or "TECA."

Section 2. Application — Intent — Conflicting provisions.

The provisions of this chapter shall apply to every public tax, license or fee, and/or any penalty or interest payable thereon, levied under the provisions of any existing or hereafter enacted law which is codified in Title 40 or any other title and is collectible by the Commissioner of Revenue:

The purpose of this chapter is to supplement and clarify existing provisions of the general law relating to the enforcement and collection of taxes. The provisions of this chapter shall be complimentary and in addition to all other provisions of law. In the event of any conflict between the provisions of this chapter and those of any other specific statutory provisions contained in other chapters of Title 40, or of any other title, it is hereby declared to be the legislative intent that, to the extent such other specific provisions are inconsistent with or different from the provisions of this chapter, the provisions of this chapter shall prevail. Where the provisions in this chapter are substantially modeled after federal law, all federal rules, regulations and other authority not inconsistent with the specific language of the statute shall be controlling. Any new federal rules or regulations adopted after the effective date of the Act shall not be controlling as herein provided unless the same rules or regulations shall have been first adopted by the Department of Revenue in accordance with Alabama Administrative Procedures Act.

SUBCHAPTER A COLLECTIONS

Section 3. Lien for Taxes.

If any person liable to pay any tax, other than ad valorem tax, neglects or refuses to pay the same, the amount (including any interest, additional amount, addition to tax, or assessable penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the State of Alabama upon all property and rights to property, whether real or personal, tangible or intangible, belonging to such person.

Section 4. Period of lien.

Unless another date is specifically fixed by law, the lien imposed by Section 3 of this subchapter shall arise at the time the assessment list, return therefore or the payment thereof, whichever is prior, was due to have been filed with or made to the Revenue Department, and shall continue until the liability for the amount so assessed (or a judgment against the taxpayer arising out of such liability) is satisfied or becomes unenforceable

by reason of lapse of time.

Section 5. Validity and priority against certain persons.

(a) Purchasers, holders of security interests, mechanic's lienors, and judgment lien creditors. — The lien imposed by Section 3 of this subchapter shall not be valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice thereof which meets the requirements of subsection (f) has been filed by the Commissioner of Revenue or his delegate.

(b) Protection for certain interest even though notice filed. — Even though notice of a lien imposed by Section 3 had been filed, such lien shall not be valid —

(1) Securities. — With respect to a security [as defined in subsection (g) (4)] —

(A) as against a purchaser of such security who at the time of purchase did not have actual notice or knowledge of the existence of such lien; and

(B) as against a holder of a security interest in such security who, at the time such interest came into existence did not have actual notice or knowledge of the existence of such lien.

(2) Motor vehicles. — With respect to a motor vehicle [as defined in subsection (g) (3)], as against a purchaser of such motor vehicle, if —

(A) at the time of the purchase such purchaser did not have actual notice or knowledge of the existence of such lien, and

(B) before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

(3) Personal property purchased at retail. — With respect to tangible personal property purchased at retail, as against a purchaser in the ordinary course of the seller's trade or business, unless at the time of such purchase such purchaser intends such purchase to (or knows such purchase will) hinder, evade, or defeat the collection of any tax under this title.

(4) Personal property purchased in casual sale. — With respect to household goods, personal effects, or other tangible personal property purchased (not for resale) in a casual sale for less than \$250, as against the purchaser, but only if such purchaser does not have actual notice or knowledge (A) of the existence of such lien, or (B) that this sale is one of a series of sales.

(5) Personal property subject to possessory lien. — With respect to tangible personal property subject to a lien securing the reasonable price of the repair or improvement of such property, as against a holder of such a lien, if such holder is, and has been, continuously in possession of such property from the time such lien arose.

(6) Real property tax. — With respect to real property, as against a holder of a lien upon such property, if such lien is entitled to priority over security interests in such property which are prior in time, and such lien secures payment of ad valorem tax.

(7) Residential property subject to a mechanic's lien for certain repairs and improvements. — With respect to real property subject to a lien

for repair or improvement of a personal residence (containing not more than four dwelling units) occupied by the owner of such residence, as against a mechanic's lienor, but only if the contract price on the contract with the owner is not more than \$1,000

(8) Attorneys' liens. — With respect to a judgment or other amount in settlement of a claim or of a cause of action, as against an attorney who holds a lien upon or a contract enforceable against such judgment or amount, to the extent of his reasonable compensation for obtaining such judgment or procuring such settlement.

(9) Certain insurance contracts. — With respect to a life insurance, endowment, or annuity contract, as against the organization which is the insurer under such contract, at any time —

(A) before such organization had actual notice or knowledge of the existence of such lien; or

(B) after such organization had such notice or knowledge, with respect to advances required to be made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge.

(c) Protection for certain commercial transactions financing agreements, etc. —

(1) In general. — To the extent provided in this subsection, even though notice of a lien imposed by section 3 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing but which —

(A) is in qualified property covered by the terms of a written agreement entered into before tax lien filing and constituting —

(i) a commercial transactions financing agreement,

(ii) a real property construction or improvement financing agreement,
or

(iii) an obligatory disbursement agreement, and

(B) is protected against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(2) Commercial transactions financing agreement. — For purposes of this subsection —

(A) Definition. — The term "commercial transactions financing agreement" means an agreement (entered into by a person in the course of his trade or business) —

(i) to make loans to the taxpayer to be secured by commercial financing security acquired by the taxpayer in the ordinary course of his trade or business, or

(ii) to purchase commercial financing security (other than inventory) acquired by the taxpayer in the ordinary course of his trade or business;

but such an agreement shall be treated as coming within the term only to the extent that such loan or purchase is made before the 46th day after the date of tax lien filing or (if earlier) before the lender or purchaser had actual notice or knowledge of such tax lien filing.

(B) Limitation on qualified property. — The term "qualified prop-

erty", when used with respect to a commercial transactions financing agreement, includes only commercial financing security acquired by the taxpayer before the 46th day after the date of tax lien filing.

(C) Commercial financing security defined. — The term "commercial financing security" means (i) paper of a kind ordinarily arising in commercial transactions, (ii) accounts receivable, (iii) mortgages on real property, and (iv) inventory.

(D) Purchaser treated as acquiring security interest. — A person who satisfies subparagraph (A) by reason of clause (ii) thereof shall be treated as having acquired a security interest in commercial financing security.

(3) Real property construction or improvement financing agreement. — For purposes of this subsection —

(A) Definition. — The term "real property construction or improvement financing agreement" means an agreement to make cash disbursements to finance —

(i) the construction or improvement of real property,

(ii) a contract to construct or improve real property, or

(iii) the raising or harvesting of a farm crop or the raising of livestock or other animals.

For purposes of clause (iii), the furnishing of goods and services shall be treated as the disbursement of cash.

(B) Limitation on qualified property. — The term "qualified property", when used with respect to a real property construction or improvement financing agreement, includes only —

(i) in the case of subparagraph (A) (i), the real property with respect to which the construction or improvement has been or is to be made,

(ii) in the case of subparagraph (A) (ii), the proceeds of the contract described therein, and

(iii) in the case of subparagraph (A) (iii), property subject to the lien imposed by Section 3 at the time of tax lien filing and the crop or the livestock or other animals referred to in subparagraph (A) (iii).

(4) Obligatory disbursement agreement. — For purposes of this subsection —

(A) Definition. — The term "obligatory disbursement agreement" means an agreement (entered into by a person in the course of his trade or business) to make disbursements, but such an agreement shall be treated as coming within the term only to the extent of disbursements which are required to be made by reason of the intervention of the rights of a person other than the taxpayer.

(B) Limitation on qualified property. — The term "qualified property", when used with respect to an obligatory disbursement agreement, means property subject to the lien imposed by Section 3 at the time of tax lien filing and [to the extent that the acquisition is directly traceable to the disbursements referred to in subparagraph (A)] property acquired by the taxpayer after tax lien filing.

(C) Special rules for surety agreements. — Where the obligatory disbursement agreement is an agreement ensuring the performance of a con-

tract between the taxpayer and another person —

(i) the term “qualified property” shall be treated as also including the proceeds of the contract the performance of which was ensured, and

(ii) if the contract the performance of which was ensured was a contract to construct or improve real property, to produce goods, or to furnish services, the term “qualified property” shall be treated as also including any tangible personal property used by the taxpayer in the performance of such ensured contract.

(d) 45 day period for making disbursement. — Even though notice of a lien imposed by Section 3 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing by reason of disbursements made before the 46th day after the date of tax lien filing, or (if earlier) before the person making such disbursements had actual notice or knowledge of tax lien filing, but only if such security interest —

(1) is in property (A) subject at the time of tax lien filing, to the lien imposed by Section 3, and (B) covered by the terms of a written agreement entered into before tax lien filing, and

(2) is protected against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(e) Priority of interest and expenses. — If the lien imposed by Section 3 is not valid as against a lien or security interest, the priority of such lien or security interest shall extend to —

(1) any interest or carrying charges upon the obligation secured,

(2) the reasonable charges and expenses of an indenture trustee or agent holding the security interest for the benefit of the holder of the security interest,

(3) the reasonable expenses, including reasonable compensation for attorneys, actually incurred in collecting or enforcing the obligation secured,

(4) the reasonable costs of insuring, preserving, or repairing the property to which the lien or security interest relates,

(5) the reasonable costs of insuring payment of the obligation secured, and

(6) amounts paid to satisfy any lien on the property to which the lien or security interest relates, but only if the lien so satisfied is entitled to priority over the lien imposed by Section 3, to the extent that any such item has the same priority as the lien or security interest to which it relates.

(f) Place for filing; form. —

(1) Place for filing. — The notice referred to in subsection (a) shall be filed

(A) Real property. — In the case of real property, in the probate office of the county in which the property subject to the lien is situated; and

(B) Personal property. — In the case of personal property, whether tangible or intangible, in the office of the Secretary of State.

(2) Form. — The form and content of the notice referred to in subsection (a) shall be prescribed by the Commissioner of Revenue or his delegate. Such notice shall be valid notwithstanding any other provision of law re-

garding the form or content of a notice of lien.

(g) Definitions. — For purposes of this section

(1) Security interest. — The term “security interest” means any interest in property acquired by contract for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability. A security interest exists at anytime (A) if, at such time, the property is in existence and the interest has become protected against a subsequent judgment lien arising out of an unsecured obligation, and (B) to the extent that, at such time, the holder has parted with money or money’s worth.

(2) Mechanic’s lienor. — The term “mechanics lienor” means any person who has a lien on real property (or on the proceeds of a contract relating to real property) for services, labor, or materials furnished in connection with the construction or improvement of such property. For purposes of the preceding sentence, a person has a lien on the earliest date such lien becomes valid against subsequent purchasers without actual notice, but not before he begins to furnish the services, labor, or materials.

(3) Motor vehicle. — The term “motor vehicle” means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.

(4) Security. — The term “security” means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by a corporation or a government or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(5) Tax lien filing. — The term “tax lien filing” means the filing of notice (referred to in subsection (a)) of the lien imposed by Section 3.

(6) Purchaser. — The term “purchaser” means a person who, for adequate and full consideration in money or money’s worth, acquires an interest (other than a lien or security interest) in property which is valid against subsequent purchasers without actual notice. In applying the preceding sentence for purposes of subsection (a) of this section —

- (A) a lease of property,
- (B) a written executory contract to purchase or lease property,
- (C) an option to purchase or lease property or any interest therein, or
- (D) an option to renew or extend a lease of property, which is not a lien or security interest shall be treated as an interest in property.

(i) Special rules. —

(1) Actual notice or knowledge. — For purposes of this subchapter, an organization shall be deemed for purposes of a particular transaction to have actual notice or knowledge of any fact from the time such fact is brought to the attention of the individual conducting such transaction, and in any event for the time such fact would have been brought to such individual’s attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routine. Due diligence does not require an individual acting for the organization to communicate informa-

tion unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(2) Subrogation. — Where one person is subrogated to the rights of another with respect to a lien or interest, such person shall be subrogated to such rights for purposes of any lien imposed by Section 3.

(3) Disclosure of amount of outstanding lien. — If a notice of lien has been filed pursuant to subsection (f), the Commissioner or his delegate is authorized to provide by regulations the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by the lien may be disclosed.

Section 6. Levy and distraint.

(a) Authority of Commissioner or delegate. — If any person liable to pay any final assessment of tax neglects or refuses to pay the same within 10 days after notice and demand, it shall be lawful for the Commissioner of Revenue or his delegate to collect such tax (and such further sum as shall be sufficient to cover the expenses of the levy) by levy upon all property and rights to property (except such property as is exempt under Section 10 of this chapter) belonging to such person or on which there is a lien provided in this chapter for the payment of such tax. If the Commissioner of Revenue or his delegate makes a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the Commissioner of Revenue or his delegate and, upon failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the 10-day period provided in this section.

(b) Seizure and sale of property. — The term “levy” as used in this title includes the power of distraint and seizure by any lawful means. Except as otherwise provided in subsection (d)(3), a levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the Commissioner of Revenue may levy upon property or rights to property, he may seize and sell such property or rights to property (whether real or personal, tangible or intangible), as prescribed by law.

(c) Successive seizures. — Whether any property or right to property upon which levy has been made by virtue of subsection (a) is not sufficient to satisfy the claim of the State of Alabama for which levy is made, the Commissioner of Revenue or his delegate may, thereafter, and as often as may be necessary, proceed to levy in like manner upon any other property liable to levy of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid.

(d) Requirement of notice before levy.

(1) In general. — Levy may be made under subsection (a) upon the salary or wages or other property of any person with respect to any unpaid tax only after the Commissioner of Revenue has notified such person in writing of his intention to make such levy.

(2) 10-day requirement. — The notice required under paragraph (1) shall be served in any one of the following methods

(A) given in person,

(B) left at the dwelling or usual place of business of such person, or

(C) sent by certified or registered mail to such person's last known address,

no less than 10 days before the day of the levy.

(3) Jeopardy. — Paragraph (1) shall not apply to a levy if the Commissioner of Revenue has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy.

(e) Continuing levy on salary and wages. —

(1) Effect of levy. — The effect of a levy on salary or wages payable to or received by a taxpayer shall be continuous from the date such levy is first made until the liability out of which such levy arose is satisfied; provided, however, that no such levy made shall be more than 25% of the total wages or salary due the taxpayer.

(2) Release and notice of release. — With respect to a levy described in paragraph (1), the Commissioner of Revenue shall promptly release the levy when the liability out of which such levy arose is satisfied and shall promptly notify the person upon whom such levy was made that such levy has been released.

Section 7. Certain powers of sheriffs granted to Commissioner of Revenue or his delegate.

All the powers now imposed or conferred by law upon sheriffs of any county in this state with respect to the collection of any amounts due the Revenue Department, are hereby likewise conferred upon the Commissioner of Revenue, or his duly authorized representatives. Such portions of the law as have to do with the collection of unpaid taxes, penalties, interest, or costs, and the attachment, levy, and sale of properties for the purpose of enforcing the payment of such amounts which may be due the Revenue Department, are hereby likewise conferred upon the Commissioner of Revenue, or his duly authorized representatives. The Commissioner of Revenue, or his duly authorized representatives, may in all respects and with like effect proceed upon the property and rights to property, both real and personal, as provided by this Act or as is now provided by law with respect to sheriffs; provided that the powers conferred on the Commissioner of Revenue, or his duly authorized representatives, by this Section shall not be effective until 60 days after receipt by the Sheriff of a writ of execution issued by the Revenue Department under §40-2-11(17), Code of Alabama 1975.

Section 8. Surrender of property subject to levy.

(a) Requirement. — Except as otherwise provided in subsection (b), any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made shall, upon demand of the Commissioner of Revenue or his delegate, surrender such property or rights (or discharge such obligation) to the Commissioner of Revenue or his delegate, except such part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) Enforcement of levy. —

(1) Extent of personal liability. — Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the Commissioner of Revenue, shall be liable in his own person and estate to the State of Alabama in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the collection of which such levy has been made, together with costs and interest on such sum at an annual rate established by law from the date of such levy [or, in the case of a levy described in Section 6(d)(3), from the date

such person would otherwise have been obligated to pay over such amounts to the taxpayer]. Any amount (other than costs and the 50% penalty provided in subparagraph 2 below) recovered under this paragraph shall be credited against the tax liability for the collection of which such levy was made.

(2) **Penalty for violation.** — In addition to the personal liability imposed by paragraph (1), if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property without reasonable cause, such person shall be liable for a penalty equal to 50 percent of the amount recoverable from the property under his control. No part of such penalty shall be credited against the tax liability for the collection of which such levy was made.

(c) **Effect of honoring levy.** — Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the Commissioner of Revenue or his delegate, surrenders such property or rights to property (or discharges such obligation) to the Commissioner of Revenue or his delegate, or who pays a liability under subsection (b)(1), shall be discharged from any obligation or liability to the delinquent taxpayer with respect to such property or rights to property arising from such surrender or payment.

(d) **Person defined.** — The term "person" as used in subsection (a) includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to surrender the property or rights to property, or to discharge the obligation.

Section 9. Production of books.

If a levy has been made on any property, or right to property, any person having custody or control of any books or records containing evidence or statements relating to the property or rights to property subject to levy, shall, upon demand of the Commissioner of Revenue or his delegate, exhibit such books or records to the Commissioner of Revenue or his delegate.

Section 10. Property exempt from levy.

The provisions of Sections 6-10-1 through 6-10-126, Code of Alabama 1975, concerning exempt property shall not apply to property subject to levy hereunder, nor to property subject to execution and garnishment by a Sheriff under Section 40-2-11, Code of Alabama 1975. No property, real or personal, shall be exempt from any process or procedure implemented for the collection of a tax liability due the State of Alabama except that property exempted under the provisions of §6-10-7, Code of Alabama 1975.

Section 11. Sale of seized property.

(a) **Notice of seizure.** — As soon as practicable after seizure of property, notice in writing shall be given by the Commissioner of Revenue or his delegate to the owner of the property (or, in the case of personal property, the possessor thereof), or shall be left at his usual place of abode or business. If the owner cannot be readily located, or has no dwelling or place of business within the state, the notice may be mailed to his last known address. Such notice shall specify the sum demanded and shall contain, in the case of real property, a description with reasonable certainty of the property seized.

(b) **Notice of sale.** — The Commissioner or his delegate shall as soon as practicable after the seizure of the property give notice to the owner, in the manner prescribed in subsection (a), and shall cause a notification to be

published in some newspaper published or generally circulated within the county wherein such seizure is made, or if there be no newspaper published or generally circulated in such county, shall post such notice at the post office nearest the place where the seizure is made, and in not less than two other public places. Such notice shall specify the property to be sold, and the time, place, manner, and conditions of the sale thereof. Whenever levy is made without regard to the 10-day notice period, public notice of sale of the property seized shall be made within such 10-day period unless Section 12 (relating to sale of perishable goods) is applicable.

(c) Sale of indivisible property. — If any property liable to levy is not divisible, so as to enable the Commissioner or his delegate by sale of a part thereof to raise the whole amount of the tax and expenses, the whole of such property shall be sold. Such indivisible property shall include only property in which the taxpayer has controlling interest in and may not include property wherein the taxpayer may share in ownership with other persons.

(d) Time and place of sale. — The time of sale shall not be less than 10 days nor more than 60 days from the time of giving public notice under subsection (b). The place of sale shall be within the county in which the property is seized, except by special order of the Commissioner or his delegate.

(e) Manner and conditions of sale. —

(1) Minimum price. — Before the sale the Commissioner or his delegate may determine a minimum price for which the property shall be sold, and if such minimum price is determined, and if no person offers for such property at the sale the amount of the minimum price, the property shall be declared to be purchased at such price for the State of Alabama; otherwise the property shall be declared to be sold to the highest bidder.

(2) Additional Rules Applicable to Sale. — The Commissioner or his delegate shall by regulations prescribe the manner and other conditions of the sale of property seized by levy. If one or more alternative methods or conditions are permitted by regulations, the Commissioner or his delegate shall select the alternatives applicable to the sale. Such regulations shall provide:

(A) That the sale shall not be conducted in any manner other than —

(i) by public auction, or

(ii) by public sale under sealed bids.

(B) In the case of the seizure of several items of property, whether such items shall be offered separately, in groups, or in the aggregate; and whether such property shall be offered both separately (or in groups) and in the aggregate, and sold under whichever method produces the highest aggregate amount.

(C) Whether the announcement of the minimum price determined by the Commissioner or his delegate may be delayed until the receipt of the highest bid.

(D) Whether payment in full shall be required at the time of acceptance of a bid, or whether a part of such payment may be deferred for such period (not to exceed 1 month) as may be determined by the Commissioner or his delegate to be appropriate.

(E) The extent to which methods (including advertising) in addition

to those prescribed in subsection (b) may be used in giving notice of the sale.

(F) Under what circumstances the Commissioner or his delegate may adjourn the sale from time to time (but such adjournments shall not be for a period to exceed in all 1 month).

(3) Payment of amount bid. — If payment in full is required at the time of acceptance of a bid and is not then and there paid, the Commissioner or his delegate shall forthwith proceed to again sell the property in the manner provided in this subsection. If the conditions of the sale permit part of the payment to be deferred, and if such part is not paid within the prescribed period, suit may be instituted against the purchaser for the purchase price or such part thereof as has not been paid, together with interest at the rate applicable to liabilities due the Revenue Department from the date of the sale; or, in the discretion of the Commissioner or his delegate, the sale may be declared to be null and void for failure to make full payment of the purchase price and the property may again be advertised and sold as provided in subsections (b) and (c) of this subsection. In the event of such readvertisement and sale any new purchaser shall receive such property or rights to property free and clear of any claim or right of the former defaulting purchaser, of any nature whatsoever, and the amount paid upon the bid price by such defaulting purchaser shall be forfeited.

Section 12. Sale of perishable goods.

If the Commissioner or his delegate determines that any property seized is liable to perish or become greatly reduced in price or value by keeping, or that such property cannot be kept without great expense, he shall appraise the value of such property and —

(a) Return to owner. — If the owner of the property can be readily found, the Commissioner or his delegate shall give him notice of such determination of the appraised value of the property. The property shall be returned to the owner if, within such time as may be specified in the notice, the owner —

(1) Pays to the Commissioner or his delegate an amount equal to the appraised value, or

(2) Gives bond in such form, with such sureties, and in such amount as the Commissioner or his delegate shall prescribe, to pay the appraised amount at such time as the Commissioner or his delegate determines to be appropriate in the circumstances.

(b) Immediate sale. — If the owner does not pay such amount or furnish such bond in accordance with this section, the Commissioner or his delegate may as soon as practicable make public sale of the property in accordance with such regulations or in such manner as may be prescribed by the Commissioner or his delegate.

Section 13. Redemption of property.

(a) Before sale. — Any person whose property has been levied upon hereunder or subject to execution under Section 40-2-11, Code of Alabama 1975, shall have the right to pay the amount due, together with the expenses of the proceeding, if any, to the Commissioner or his delegate at any time prior to the sale thereof, and upon such payment the Commissioner or his delegate shall restore such property to him, and all further proceedings in connection with the levy on such property shall cease from the time of such payment.

(b) Redemption of real estate after sale. —

(1) Period. — The owners of any real property sold as provided in Section 11, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the property sold, or any particular tract of such property, at any time within one year after the sale thereof. Real property purchased by the state at said sale may be redeemed from the state at any time within one year after the sale thereof.

(2) Price. — Such property or tract of property shall be permitted to be redeemed upon payment to the purchaser, or in case he cannot be found in the county in which the property to be redeemed is situated, then to the Commissioner or his delegate, for the use of the purchaser, his heirs, or assigns, the amount paid by such purchaser and interest thereon at the current prime rate of interest per annum. Where the state was purchaser, the tax liability must be paid in full in addition to the costs, penalties and interest in order to redeem.

(c) Record. — When any lands sold are redeemed as provided in this section, the Commissioner or his delegate shall cause entry of the fact to be made upon the record mentioned in Section 16, and such entry shall be evidence of such redemption.

(d) There may be no redemption of personal property.

Section 14. Certificate of sale; deed of real property.

(a) Certificate of sale. — In the case of personal property sold as provided in Section 11, the Commissioner or his delegate shall give to the purchaser a certificate of sale upon payment in full of the purchase price.

(b) Deed to real property. — In the case of any real property sold as provided in Section 11 and not redeemed in the manner and within the time provided in Section 12, the Commissioner or his delegate shall execute to the purchaser of such real property at such sale, upon his surrender of the certificate of sale, a deed of the real property so purchased by him, reciting the facts set forth in the certificate.

(c) Real property purchased by State of Alabama. — If real property is declared purchased by the State of Alabama at a sale pursuant to Section 11, the Commissioner or his delegate shall at the proper time execute a deed therefor, and without delay cause such deed to be duly recorded in the probate office of the county in which the property is located.

Section 15. Legal effect of certificate of sale of personal property and deed of real property.

(a) Certificate of sale of property other than real property. — In all cases of a sale of property (other than real property) pursuant to Section 11, the certificate of such sale —

(1) As evidence. — Shall be prima facie evidence of the right of the officer to make such sale, and conclusive evidence of the regularity of his proceedings in making the sale; and

(2) As conveyances. — Shall transfer to the purchaser all right, title, and interest of the party delinquent in and to the property sold; and

(3) As authority for transfer of corporate stock. — If such property consists of stocks, shall be notice when received, to any corporation, company, or association of such transfer, and shall be authority to such corpora-

tion, company, or association to record the transfer on its books and records in the same manner as if the stocks were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not; and

(4) As receipts. — If the subject of sale is securities or other evidences of debt, shall be a good and valid receipt to the person holding the same, as against any person holding or claiming to hold possession of such securities or other evidences of debt; and

(5) As authority for transfer of title to motor vehicle. — If such property consists of a motor vehicle, shall be notice, when received, to any public official charged with the registration of title to motor vehicles, of such transfer and shall be authority to such official to record the transfer on his books and records in the same manner as if the certificate of title to such motor vehicle were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not.

(b) Deed of real property. — In the case of the sale of real property pursuant to Section 11 —

(1) Deed as evidence. — The deed of sale given pursuant to Section 14 shall be prima facie evidence of the facts therein stated; and

(2) Deed as conveyance of title. — If the proceedings of the Commissioner or his delegate as set forth have been substantially in accordance with the provisions of law, such deed shall be considered and operate as a conveyance of all the right, title, and interest the party delinquent had in and to the real property thus sold at the time the lien of the State of Alabama attached thereto.

(c) Effect of junior encumbrances. — A certificate of sale of personal property given or a deed to real property executed pursuant to Section 14 shall discharge such property from all liens, encumbrances, and titles over which the lien of the State of Alabama with respect to which the levy was made had priority.

(d) Effect of senior encumbrances. — A certificate of sale of personal property given or a deed to real property does not discharge such property from liens, encumbrances, and titles senior to the lien of the State of Alabama.

Section 16. Records of sales to be kept.

The Commissioner or his delegate shall keep a record of all sales of real property sold under Section 11 and of redemptions of such property. The record shall set forth the tax for which the sale was made, the dates of seizure and sale, the amount of the expenses, the name of purchaser and the date of the deed. A deed to the State of Alabama by virtue of its purchase at the sale shall be promptly recorded in the Probate Office of the county or counties where the property is located.

Section 17. Expense of levy and sale.

The Commissioner or his delegate shall determine the expenses to be allowed in all cases of levy and sale. The fee for a professional auctioneer that may be employed at the discretion of the Commissioner or his delegate shall be considered an expense of the levy and sale.

Section 18. Application of proceeds of levy.

(a) Collection of liability. — Any money realized by proceedings under this subchapter (whether by seizure, by surrender under Section 8 [except pursuant to subsection (b)(2) thereof], or by sale of seized property) or by sale of property redeemed by the State of Alabama (if the interest of the State of Alabama in such property was a lien arising under the provisions of this title) shall be applied as follows:

(1) Expense of levy and sale. — First, against the expenses of the proceedings;

(2) Specific tax liability on seized property. — If the property seized and sold is subject to a tax imposed under this title which has not been paid, the amount remaining after applying paragraph (1) shall then be applied against such tax liability, including any penalty and interest, (and, if such tax was not previously assessed, it shall then be assessed);

(3) Liability of delinquent taxpayer. — The amount, if any, remaining after applying paragraphs (1) and (2) shall then be applied against the liability in respect of which the levy was made or the sale was conducted.

(b) Surplus proceeds. — Any surplus proceeds remaining after the application of subsection (a) shall, upon application and satisfactory proof in support thereof, be credited or refunded by the Commissioner or his delegate to the person or persons legally entitled thereto.

Section 19. Authority to release levy and return property.

(a) Release of levy. — It shall be lawful for the Commissioner or his delegate to release the levy, and any liens, upon all or part of the property or rights to property levied upon where the Commissioner or his delegate, within their discretion, determines that such action will facilitate the collection of the liability or for other good reason that the levy should be released, but such release shall not operate to prevent any subsequent levy.

(b) Return of property. — If the Commissioner determines that property has been wrongfully levied upon, it shall be lawful for the Commissioner to return —

(1) the specific property levied upon,

(2) an amount of money equal to the amount of money levied upon,

(3) an amount of money equal to the amount of money received by the State of Alabama from a sale of such property.

(c) Interest. — Interest shall be allowed and paid at an annual rate established by law —

(1) in a case described in subsection (b)(2), from the date the Commissioner receives the money to a date (to be determined by the Commissioner) preceding the date of return by not more than 30 days, or

(2) in a case described in subsection (b)(3), from the date of the sale of the property to a date (to be determined by the Commissioner) preceding the date of return by not more than 30 days.

SUBCHAPTER B

LIMITATIONS ON ASSESSMENT AND COLLECTION

Section 20. Limitations on assessment — Income Tax.

The three year limitation period set out in Section 40-18-45(a), Code of Alabama 1975, for making income tax assessments shall be suspended upon

the entry of a preliminary assessment by the Revenue Department.

Section 21. Collection after assessment.

Length of period. — Where the assessment of any tax imposed by this title has been begun or made within the period of limitation properly applicable thereto, such tax may be collected by levy or by a proceeding in court, but only if the levy is made or the proceeding begun —

- (1) within 10 years after the final assessment of the tax, or
- (2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner or his delegate and the taxpayer before the expiration of such 10-year period (or, if there is a release of levy under Section 19 after such 10-year period, then before such release).

The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. The period provided by this subsection during which a tax may be collected by levy shall not be extended or curtailed by reason of a judgment against the taxpayer.

(b) Date when levy is considered made. — The date on which a levy on property or rights to property is made shall be the date on which the notice of seizure provided in Section 11 is given.

Section 22. Suspension of running of period of limitation.

(a) General rule. — The running of the period of limitations provided in Section 20 or 21 on the making of assessments or the collection by levy or a proceeding in court shall be suspended for the period during which the Commissioner is prohibited from making the assessment or from collecting by levy or a proceeding in court and for 60 days thereafter.

(b) Assets of taxpayer in control or custody of court. — The period of limitations on collection after assessment prescribed in Section 20 or 21 shall be suspended for the period the assets of the taxpayer are in the control or custody of the court in any proceeding before any court of the State of Alabama, and for 6 months thereafter.

(c) Taxpayer outside State of Alabama. — The running of the period of limitations on collection after assessment prescribed in Section 20 or 21 shall be suspended for the period during which the taxpayer is outside the State of Alabama if such period of absence is for a continuous period of at least 6 months. If the preceding sentence applies and at the time of the taxpayer's return to the State of Alabama the period of limitations on collection after assessment prescribed in Section 20 or 21 would expire before the expiration of 6 months from the date of his return, such period shall not expire before the expiration of such months.

(d) Cases under title 11 of the United States Code (Bankruptcy). — The running of the period of limitations provided in Section 20 or 21 on the making of assessments or collection shall, in a case under title 11 of the United States Code (Bankruptcy), be suspended for the period during which the Commissioner is prohibited by reason of such case from making the assessment or from collecting and —

- (1) for assessment, 6 months thereafter, and
- (2) for collection, 6 months thereafter.

SUBCHAPTER C
ADDITIONS TO TAX AND PENALTIESSection 23. Bad checks.

If any check or money order in payment of any amount receivable under this title is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person who tendered such check, upon notice and demand by the Commissioner or his delegate, in the same manner as tax, an amount equal to 10 percent of the amount of such check, except that if the amount of such check is less than \$500, the penalty under this section shall be \$10 or the amount of such check, whichever is the lesser. This section shall not apply if the person tendered such check in good faith and with reasonable cause to believe that it would be duly paid, or settlement is made by the taxpayer within ten days after notification of receipt of a bad check by the Department.

Section 24. Rules for application of assessable penalties.

(a) Penalty assessed as tax. — The penalties and liabilities provided by this subchapter shall be paid upon notice and demand by the Commissioner or his delegate, and shall be assessed and collected in the same manner as taxes. Except as otherwise provided, any reference in this title to "tax" imposed by this title shall be deemed also to refer to the penalties and liabilities provided by this subchapter.

(b) Person defined. — The term "person", as used in this subchapter, includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

Section 25. Failure to collect and pay over tax, or attempt to evade or defeat tax.

(a) General rule. — Any person required to collect, truthfully account for, and/or pay over any tax imposed by §§40-17-2, 40-17-220, 40-18-71, 40-21-82, 40-23-2, 40-23-61, 40-26-1, Code of Alabama 1975 and any other local sales, use, and gross receipts taxes collected by the State Department of Revenue who willfully fails to collect such tax, or truthfully account for, and/or pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable for a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over.

(b) Extension of period of collection where bond is filed.

(1) In general. — If, within 30 days after the day on which notice and demand of any penalty under subsection (a) is made against any person, such person —

(A) pays an amount which is not less than the minimum amount required to commence a proceeding in court with respect to his liability for such penalty.

(B) files a claim for refund of the amount so paid, and

(C) furnishes a bond which meets the requirements of paragraph (3), no levy or proceeding in court for the collection of the remainder of such penalty shall be made, begun, or prosecuted until a final resolution of a proceeding begun as provided in paragraph (2).

(2) Suit must be brought to determine liability for penalty. — If, within 30 days after the day on which his claim for refund with respect to any penalty under subsection (a) is denied, the person described in paragraph (1) fails to begin a proceeding in the appropriate court for the determination of his liability for such penalty; paragraph (1) shall cease to apply with respect to such penalty, effective on the day following the close of the 30-day period referred to in this paragraph.

(3) Bond. — The bond referred to in paragraph (1) shall be in such form and with such sureties as the Commissioner may by regulations prescribe and shall be in an amount equal to $1\frac{1}{2}$ times the amount of excess of the penalty assessed over the payment described in paragraph (1).

(4) Suspension of running of period of limitations on collection. — The running of the period of limitations provided in section 20 on the collection by levy or by a proceeding in court in respect of any penalty described in paragraph (1) shall be suspended for the period during which the Commissioner is prohibited from collecting by levy or a proceeding in court.

(5) Jeopardy collection. — If the Commissioner makes a finding that the collection of the penalty is in jeopardy, nothing in this subsection shall prevent the immediate collection of such penalty.

Section 26. Fraudulent statement or failure to furnish statement to employee.

In addition to the criminal penalty provided by Section 34, any person required under this title to furnish a statement to an employee who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required shall for each such failure be subject to a penalty under this subchapter of \$50.

Section 27. False information with respect to withholding.

(a) Civil Penalty. — In addition to any criminal penalty provided by law, if —

(1) any individual makes a statement under Section 40-18-73 which results in a decrease in the amounts deducted and withheld under Section 40-18-71, and

(2) as of the time such statement was made, there was no reasonable basis for such statement, such individual shall pay a penalty of \$500 for such statement.

(b) Exception. — The Commissioner may waive (in whole or in part) the penalty imposed under subsection (a) if the taxes imposed with respect to the individual under Chapter 18 for the taxable year are equal to or less than the sum of —

(1) the credits against such taxes allowed by Sections 40-18-21, 40-18-120 and 40-18-121, and

(2) the payments of estimated tax which are considered payments on account of such taxes.

SUBCHAPTER D
JEOPARDY

Section 28. Jeopardy Assessment for Income Tax.

(a) If the Commissioner or his delegate finds that a taxpayer designs quickly to depart from the State of Alabama or to remove his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the income tax for the current or the preceding taxable year unless such proceedings be brought without delay, the Commissioner or his delegate shall declare the taxable period for such taxpayer immediately terminated, and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section, the finding of the Commissioner or his delegate, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of jeopardy.

(b) Reopening of taxable period. — Notwithstanding the termination of the taxable period of the taxpayer by the Commissioner or his delegate, as provided in subsection (a), the Commissioner or his delegate may reopen such taxable period each time the taxpayer is found by the Commissioner or his delegate to have received income, within the current taxable year, since a termination of the the period under subsection (a). A taxable period so terminated by the Commissioner or his delegate may be reopened by the taxpayer if he files with the Commissioner or his delegate a true and accurate return of the items of gross income and of the deductions and credits allowed under this title for such taxable period, together with such other information required under this title. If the taxpayer is a nonresident, the taxable period so terminated may be reopened by him if he files, or causes to be filed, with the Commissioner or his delegate a true and accurate return of his total income derived from all sources within the State of Alabama, in the manner prescribed in this title.

(c) Abatement if jeopardy does not exist. — The Commissioner or his delegate may abate the jeopardy assessment if he finds that jeopardy does not exist. The period of limitation on the making of assessments and levy or a proceeding in court for collection, in respect of any deficiency, shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the 10th day after the day on which such jeopardy assessment is abated.

(d) When a jeopardy assessment has been as provided in subsection (a), the collection of all or any part of such assessment may be stayed by filing with the Commissioner or his delegate an approved bond conditioned upon the payment of the assessment together with applicable interest and costs of collection. The Commissioner or his delegate shall have sole discretion to approve or disapprove the bond.

(e) A final jeopardy assessment entered hereunder may be appealed to the appropriate circuit court of Alabama in the same manner as provided under §40-2-22, Code of Alabama 1975.

Section 29. Jeopardy Assessment — Other taxes.

(a) If the Commissioner or his delegate finds that a taxpayer designs quickly to depart from the State of Alabama or to remove his property therein, or to do any other act tending to prejudice or to render wholly or

partly ineffectual proceedings to collect any tax imposed by Title 40 other than income tax, the Commissioner or his delegate may issue notice of such finding to the taxpayer by personal service or mailing to his/her last known address, together with a demand for immediate payment of the tax declared to be in jeopardy, including penalties and additions thereto and such tax, penalty, interest and additions thereto shall be immediately due and payable. A final assessment of such tax may be entered immediately and if the assessment is not paid upon such demand of the Commissioner or his delegate, the Commissioner or his delegate may forthwith issue a warrant for levy and distraint of any property, real or personal, of the taxpayer which shall be collected in the same manner and with like effect as provided under subchapter A of this Act.

(b) In the case of a tax for a current period, the Commissioner or his delegate may declare the taxable period of the taxpayer immediately terminated and may at his discretion estimate the tax liability based upon the best information obtainable. Notice of such finding and declaration shall be issued to the taxpayer in the same manner as in subsection (a).

(c) When a jeopardy assessment has been made as provided in subsection (a), the collection of all or any part of such assessment may be stayed by filing with the Commissioner or his delegate an approved bond conditioned upon the payment of the assessment together with applicable interest and costs of collection. The Commissioner or his delegate shall have sole discretion to approve or disapprove the bond.

(d) In any proceeding in court to contest the jeopardy assessment or to enforce payment of the taxes made due and payable by virtue of the provisions of this section, the finding of the Commissioner or his delegate, made as herein provided, shall be for all purposes presumptive evidence of jeopardy.

(e) A final jeopardy assessment entered hereunder may be appealed to the appropriate circuit court of Alabama in the same manner as provided under §40-2-20, Code of Alabama 1975.

SUBCHAPTER E

CRIMES

Section 30. Attempt to evade or defeat tax.

Any person who willfully attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 5 years, or both, together with the costs of prosecution.

Section 31. Willful failure to collect or pay over tax.

Any person required under this title to collect, account for, and pay over any tax imposed by this title who willfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, together with the costs of prosecution.

Section 32. Willful failure to file return, supply information, or pay tax.

Any person required under this title to pay any estimated tax or tax, or required by this title or by regulations made under authority thereof to make a return, (other than a return required under Section 40-18-82, Code of Alabama 1975), keep any records, or supply any information, who willfully fails to pay such estimated tax or tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$25,000 (\$100,000 in the case of a corporation), or imprisoned not more than 1 year, or both, together with the costs of prosecution. In the case of any person with respect to whom there is a failure to pay any estimated tax, this section shall not apply to such person with respect to such failure if there is no addition to tax under Section 40-18-80(d) and (e), Code of Alabama 1975, as amended, with respect to such failure.

Section 33. Fraudulent statement or failure to make statement to employees.

In lieu of any other penalty provided by law (except the penalty provided by Section 27) any person required under the provisions of Section 40-18-75, Code of Alabama 1975, to furnish a statement who willfully furnishes a false or fraudulent statement or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under Section 40-18-75, Code of Alabama 1975, or regulations prescribed thereunder, shall, for each such offense, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

Section 34. Fraudulent withholding exemption certificate or failure to supply information.

Any individual required to supply information to his employer under Section 40-18-73, Code of Alabama 1975, who willfully supplies false or fraudulent information, or who willfully fails to supply information thereunder which would require an increase in the tax to be withheld under Section 40-18-73, Code of Alabama 1975, shall, in lieu of any other penalty provided by law, upon conviction thereof, be fined not more than \$500, or imprisoned not more than 1 year, or both.

Section 35. Fraud and false statements.

Any person who —

(1) Declaration under penalties of perjury. — Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or

(2) Aid or assistance. — Willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the state revenue laws, of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document; or

(3) Fraudulent bonds, permits, and entries. — Simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of this title, or by any regulation made in pursuance thereof, or procures the same to be falsely or fraudulently executed, or

advises, aids in, or connives at such execution thereof, or

(4) Removal or concealment with intent to defraud. — Removes, deposits, or conceals, or is concerned in removing, depositing, or concealing, any goods or commodities for or in respect whereof any tax is or shall be imposed, or any property upon which levy is authorized by Section 6, with intent to evade or defeat the assessment or collection of any tax imposed by this title;

shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 3 years, or both, together with the costs of prosecution.

Section 36. Fraudulent returns, statements, or other documents.

Any person who willfully delivers or discloses to the Commissioner or his delegate any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both. Any person required pursuant to this title to furnish any information to the Commissioner or his delegate who willfully furnishes to the Commissioner or his delegate any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both.

Section 37. Failure to obey subpoena.

Any person who, being duly subpoenaed to appear to testify, or to appear and produce books, accounts, records, memoranda, or other papers, as required under Section 40-2-11(7) and (8), Code of Alabama 1975, or any other section in this title requiring the production of information, neglects or fails to appear without cause or to produce such books, accounts, records, memoranda, or other papers without cause, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both, together with costs of prosecution.

Section 38. Attempts to interfere with administration of state revenue laws.

(a) Corrupt or forcible interference. — Whoever corruptly or by force or threats of force (including any threatening letter or communication) endeavors to intimidate or impede any officer or employee of the State of Alabama acting in an official capacity under this title, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or endeavors to obstruct or impede, the due administration of this title, shall, upon conviction thereof, be fined not more than \$5,000, or imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person convicted thereof shall be fined not more than \$3,000, or imprisoned not more than 1 year, or both. The term "threats of force", as used in this subsection, means threats of bodily harm to the officer or employee of the State of Alabama or to a member of his family.

(b) Forcible rescue of seized property. — Any person who forcibly rescues or causes to be rescued any property after it shall have been seized under this title, or shall attempt or endeavor so to do, shall, excepting in cases otherwise provided for, for every such offense, be fined not more than \$500, or not more than double the value of the property so rescued, whichever is the greater, or be imprisoned not more than 2 years.

Section 39. Periods of limitation on criminal prosecutions.

No person shall be prosecuted, tried, or punished for any of the various offenses arising under the revenue laws unless the indictment is found or the prosecution instituted within 3 years next after the commission of the offense, except that the period of limitation shall be 6 years —

(1) for offenses involving the defrauding or attempting to defraud the State of Alabama or any agency thereof, whether by conspiracy or not, and in any manner;

(2) for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof;

(3) for the offense of willfully aiding or assisting in, or procuring, counseling, or advising, the preparation or presentation under, or in connection with any matter arising under, the statute revenue laws, of a false or fraudulent return, affidavit, claim or document (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document);

(4) for the offense of willfully failing to pay any tax, or make any return at the time or times required by law or regulations;

(5) for offenses described in Sections 35 and 36 (relating to false statements and fraudulent documents);

(6) for the offense described in Section 39 (relating to intimidation of officers and employees of the State of Alabama); The time during which the person committing any of the various offenses arising under the revenue laws is outside the State of Alabama or is a fugitive from justice within the meaning of the State of Alabama Code, shall not be taken as any part of the time limited by law for the commencement of such proceedings.

Section 40. All laws or parts of laws which conflict with this Act are repealed.

Section 41. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 42. This Act shall become effective the first day of January, 1984.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 68; Nays 9.

Yeas:

Mr. Speaker, Adams, Black, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, Martin, Mathis, Melton, Moore, Newman, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Reed, Rice, Rogers, Smith, Spratt, Starr, Tanner, Venable, White (F), White (L), and Zoghby.

Nays:

Reps. Buskey (James), Gaston, Harper, Kvalheim, McMillan, Marietta, Mikell, Rains and Turner.

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RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Bugg, Junkins and Ford:

H. R. 101. COMMENDING THE ATTALLA CITY SCHOOLS FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. Bugg, Junkins and Ford:

H. R. 102. COMMENDING THE GADSDEN CITY SCHOOLS FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. Bugg, Junkins and Ford:

H. R. 103. COMMENDING THE ETOWAH COUNTY SCHOOLS FOR OUTSTANDING ACHIEVEMENT.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 59. COMMENDING AUBURN UNIVERSITY ON WINNING THE SOUTHEASTERN CONFERENCE CHAMPIONSHIP.

Also:

H. J. R. 60. HONORING DR. HUBERT BEVERLY SHEPHERD AS A REPRESENTATIVE TO THE ANIMO CRUSADE IN NIGERIA.

Also:

H. J. R. 61. COMMENDING MR. AND MRS. L. C. WINDSOR ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 62. COMMENDING MR. AND MRS. LUTHER EDGAR BETHUNE ON THEIR 53RD WEDDING ANNIVERSARY.

Also:

H. J. R. 63. COMMENDING MR. AND MRS. LEE ROY JOHNSON ON THEIR 40TH WEDDING ANNIVERSARY.

Also:

H. J. R. 64. COMMENDING THE WOODLAND HIGH SCHOOL "BOBCATS" FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

H. J. R. 65. COMMENDING THE HANDLEY HIGH SCHOOL TIGERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

H. J. R. 66. COMMENDING RONALD D. HYCHE, AN OUTSTANDING BAND AND MUSIC TEACHER.

Also:

H. J. R. 67. COMMENDING REPRESENTATIVE ASBURY HOWARD FOR NOTABLE LEGISLATIVE AND HUMANITARIAN SERVICE.

Also:

H. J. R. 68. COMMENDING DR. C. HOWARD NEVETT FOR DISTINGUISHED RELIGIOUS AND COMMUNITY SERVICE.

Also:

H. J. R. 73. COMMENDING MR. CHARLES A. MAJORI.

Also:

H. J. R. 72. COMMENDING DR. JOHN P. ANDERSON OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 79. MOURNING THE DEATH OF JUDGE WILLIAM MACON COUSINS, ELMORE COUNTY, ALABAMA.

Also:

H. J. R. 83. CONGRATULATING MRS. MARY CELESTE ROSE MAXWELL OF MAXWELL CROSSING COMMUNITY IN TUSCALOOSA COUNTY, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

H. J. R. 84. COMMENDING THE HONORABLE AARON WALDROP OF TUSCALOOSA, ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 9. COMMENDING MRS. BERTIE EDGE, 1983 SAINT CLAIR COUNTY COWBELLE OF THE YEAR.

Also:

H. J. R. 27. COMMENDING THE LITCHFIELD HIGH SCHOOL FOOTBALL TEAM.

Also:

H. J. R. 28. COMMENDING THE LITCHFIELD HIGH SCHOOL BAND.

Also:

H. J. R. 29. CONGRATULATING THE EMMA SANSOM HIGH SCHOOL BAND.

Also:

H. J. R. 30. COMMENDING THE EMMA SANSOM HIGH SCHOOL FOOTBALL TEAM.

Also:

H. J. R. 35. WELCOMING MR. OSSIE DAVIS AND MS. RUBY DEE AS HONORED GUESTS OF THE STATE OF ALABAMA.

Also:

H. J. R. 38. COMMENDING LINDA H. BAKER ON BEING NAMED "YOUNG CAREERIST — 1983".

Also:

H. J. R. 39. COMMENDING MADELYN GLASS HORSLEY ON BEING NAMED WOMAN OF THE YEAR.

Also:

H. J. R. 41. RESOLUTION MOURNING THE DEATH OF HAROLD "SHUG" WILSON.

Also:

H. J. R. 46. COMMENDING MR. AND MRS. LEONARD A. COLE ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 47. COMMENDING CARL TROTTER BROTHERS FOR HIS DEDICATION AND FAITHFUL SERVICE TO THE LORD.

Also:

H. J. R. 49. COMMENDING MISS SUSAN MELINDA HARDIN, SHELBY COUNTY'S 1983-84 JUNIOR MISS.

Also:

H. J. R. 50. COMMENDING THE MURPHY HIGH SCHOOL FOOTBALL TEAM FOR ITS CHAMPIONSHIP SEASON.

McDOWELL LEE,
Secretary.

H. 13 RESUMED
AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment #1 to the bill, H. 13 as amended:

Amend the Substitute to the Substitute to H.B. 13 on page 2, line 10, by adding the following immediately after the period:

This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the

tax.

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Turner to postpone further consideration of the bill, H. 13 as amended, and the pending amendment to the eighth legislative day, was tabled.

Yeas 46; Nays 30.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Bowling, Brakefield, Britnell, Browder, Bugg, Burke, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Fuller, Goodwin, Grayson, Harvey, Holley, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, Martin, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Reed, Spratt, Warren, and White (F).

—46

Nays:

Reps. Boles, Box, Buskey (James), Carothers, Clark (W), Cosby, Gaston, Grimsley, Hammett, Harper, Hettinger, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, Marietta, Mathis, Payne, Penry, Pratt, Rains, Rice, Sasser, Starkey, Trammell, Turner, Venable, White (L), and Zoghby.

—30

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 9. COMMENDING MRS. BERTIE EDGE, 1983 SAINT CLAIR COUNTY COWBELLE OF THE YEAR.

Also:

H. J. R. 27. COMMENDING THE LITCHFIELD HIGH SCHOOL FOOTBALL TEAM.

Also:

H. J. R. 28. COMMENDING THE LITCHFIELD HIGH SCHOOL BAND.

Also:

H. J. R. 29. CONGRATULATING THE EMMA SANSOM HIGH SCHOOL BAND.

Also:

H. J. R. 30. COMMENDING THE EMMA SANSOM HIGH SCHOOL FOOTBALL TEAM.

Also:

H. J. R. 35. WELCOMING MR. OSSIE DAVIS AND MS. RUBY DEE AS HONORED GUESTS OF THE STATE OF ALABAMA.

Also:

H. J. R. 38. COMMENDING LINDA H. BAKER ON BEING NAMED "YOUNG CAREERIST — 1983".

Also:

H. J. R. 39. COMMENDING MADELYN GLASS HORSLEY ON BEING NAMED WOMAN OF THE YEAR.

Also:

H. J. R. 41. RESOLUTION MOURNING THE DEATH OF HAROLD "SHUG" WILSON.

Also:

H. J. R. 46. COMMENDING MR. AND MRS. LEONARD A. COLE ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 47. COMMENDING CARL TROTTER BROTHERS FOR HIS DEDICATION AND FAITHFUL SERVICE TO THE LORD.

Also:

H. J. R. 49. COMMENDING MISS SUSAN MELINDA HARDIN, SHELBY COUNTY'S 1983-84 JUNIOR MISS.

Also:

H. J. R. 50. COMMENDING THE MURPHY HIGH SCHOOL FOOTBALL TEAM FOR ITS CHAMPIONSHIP SEASON.

Also:

H. J. R. 59. COMMENDING AUBURN UNIVERSITY ON WINNING THE SOUTHEASTERN CONFERENCE CHAMPIONSHIP.

Also:

H. J. R. 60. HONORING DR. HUBERT BEVERLY SHEPHERD AS A REPRESENTATIVE TO THE ANIMO CRUSADE IN NIGERIA.

Also:

H. J. R. 61. COMMENDING MR. AND MRS. L. C. WINDSOR ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 62. COMMENDING MR. AND MRS. LUTHER EDGAR BETHUNE ON THEIR 53RD WEDDING ANNIVERSARY.

Also:

H. J. R. 63. COMMENDING MR. AND MRS. LEE ROY JOHNSON ON THEIR 40TH WEDDING ANNIVERSARY.

Also:

H. J. R. 64. COMMENDING WOODLAND HIGH SCHOOL "BOB-CATS" FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 65. COMMENDING THE HANDLEY HIGH SCHOOL TIGERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

H. J. R. 66. COMMENDING RONALD D. HYCHE, AN OUTSTANDING BAND AND MUSIC TEACHER.

Also:

H. J. R. 67. COMMENDING REPRESENTATIVE ASBURY HOWARD FOR NOTABLE LEGISLATIVE AND HUMANITARIAN SERVICE.

Also:

H. J. R. 68. COMMENDING DR. C. HOWARD NEVETT FOR DISTINGUISHED RELIGIOUS AND COMMUNITY SERVICE.

Also:

H. J. R. 72. COMMENDING DR. JOHN P. ANDERSON OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 73. COMMENDING MR. CHARLES A. MAJORI.

Also:

H. J. R. 79. MOURNING THE DEATH OF JUDGE WILLIAM MACON COUSINS, ELMORE COUNTY, ALABAMA.

Also:

H. J. R. 83. CONGRATULATING MRS. MARY CELESTE ROSE MAXWELL OF MAXWELL CROSSING COMMUNITY IN TUSCALOOSA COUNTY, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

H. J. R. 84. COMMENDING THE HONORABLE AARON WALDROP OF TUSCALOOSA, ALABAMA.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 13 RESUMED

The question was then on the amendment #1 offered by Rep. Johnson (Roy) to the bill, H. 13 as amended.

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Turner to postpone further consideration of the bill, H. 13 as amended, and the pending amendment to the sixth legislative day, was tabled.

Yeas 50; Nays 41.

Yeas:

Mr. Speaker, Adams, Blake, Bowling, Brakefield, Britnell, Browder, Bugg, Burke, Campbell, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Goodwin, Grayson, Hall, Harvey, Holley, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Reed, Spratt, Starr, Tanner, Warren and White (F)

—50

Nays:

Reps. Beers, Biddle, Boles, Box, Brooks, Buskey (James), Buskey (John), Butler, Carothers, Clark (W), Cosby, Faulk, Gaston, Gray, Grimsley, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, McNair, Marietta, Mathis, Mikell, Payne, Penry, Preuitt, Rains, Rice, Sasser, Seibels, Starkey, Turner, Venable, White (G), White (L) and Zoghby.

—41

AMENDMENT ADOPTED

The question was again on the amendment #1 offered by Rep. Johnson (Roy) to the bill, H. 13 as amended, and the amendment was adopted.

Yeas 83; Nays 7.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Reed, Rice, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Warren, White (F), White (G), White (L) and

Zoghby.

—83

Nays:

Reps. Gaston, Harper, Kvalheim, McNair, Marietta, Seibels and Turner.

—7

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment #2 to the bill, H. 13 as amended:

Amend substitute for substitute of H. B. 13, page 3, line 8 by inserting the following sentence after the period:

It is the intent of the Legislature that no part of this Act shall be construed so as to supercede any due process requirements presently in effect under Title 40, Code of Alabama 1975.

SUBSTITUTE AMENDMENT OFFERED

Rep. Payne offered the following substitute amendment to the amendment #2 offered by Rep. Johnson (Roy) to the bill, H. 13 as amended:

On page 1, in the Synopsis, line 8, after “(TECA)” by changing the comma to a period and by striking the remainder of line 8 and by striking lines 9, 10 and 11 in their entirety and by striking on line 12, the word “Service” and the period.

On page 2, on line 30-33, delete the language:

“where the provisions in this chapter are substantially modeled after federal law, all federal rules, regulations and other authority not inconsistent with the specific language of the statute shall be controlling.”

SUBSTITUTE AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the substitute amendment offered by Rep. Payne to the amendment #2 offered by Rep. Johnson (Roy) to the bill, H. 13 as amended, was tabled.

Yeas 57; Nays 13.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Bowling, Brakefield, Britnell, Browder, Bugg, Burke, Buskey (John), Campbell, Carter, Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Hall, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McNair, Melton, Mikell, Moore, Newman, Nicholson, Parker, Penry, Poole, Reed, Rogers, Seibels, Smith, Spratt, Starkey, Trammell, Venable, Warren, White (G) and Zoghby.

—57

Nays:

Reps. Beers, Box, Brooks, Buskey (James), Gaston, Harper, Marietta, Mathis, Rains, Rice, Sasser, Turner and White (L).

—13

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #2 offered by Rep. Johnson (Roy) to the bill, H. 13 as amended, and the amendment was adopted.

Yeas 78; Nays 6.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lindsey, McKee, Marietta, Martin, Mathis, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Poole, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—78

Nays:

Reps. Gaston, Kvalheim, McMillan, McNair, Penry and Turner.

—6

AMENDMENT OFFERED

Rep. Bowling offered the following amendment to the bill, H. 13 as amended:

Amend the substitute for the substitute of H. B. 13, Section 2, lines 30 through 36 on page 2 and lines 7 & 8 on page 3, by deleting all of said language following the word "prevail." on line 30:

~~Where the provisions in this chapter are substantially modeled after federal law, all federal rules, regulations and other authority not inconsistent with the specific language of the statute shall be controlling. Any new federal rules or regulations adopted after the effective date of the Act shall not be controlling as here in provided unless the same rules or regulations shall have been first adopted by the Department of Revenue in accordance with Alabama Administrative Procedures Act.~~

Further amend the substitute for the substitute of H. B. 13 in the Synopsis of said bill by deleting on lines 10, 11 and 12 the following language:

~~revenue through the implementation of the same or similar procedures used by the Internal Revenue Service.~~

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston,

Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Perdue, Poole, Preuit, Rains, Reed, Rice, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—85

Nays:

Reps. Black and Pratt.

—2

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment #3 to the bill, H. 13 as amended:

Amend substitute for substitute of H. B. 13, page 31, line 35 by inserting therein the following new Section 24 and renumbering all subsequent sections accordingly:

Section 24: Automatic Refund.

Where the Department of Revenue determines that a taxpayer is entitled to a refund, the Department of Revenue shall automatically refund to that taxpayer the amount of any excess tax so paid to the State of Alabama; provided, however, that the statute of limitations provisions of the applicable tax law shall apply.

MOTION TO RECOMMIT TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Buskey (James) to recommit the bill, H. 13 as amended, and the pending amendment, was tabled.

Yeas 60; Nays 15.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Bowling, Brakefield, Britnell, Browder, Bugg, Burke, Butler, Campbell, Carter, Clark (D), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Hall, Harvey, Holley, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, McDowell, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Preuit, Rains, Reed, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Warren, White (F) and White (L)

—60

Nays:

Reps. Black, Box, Buskey (James), Gaston, Harper, Johnson (R.G.), Kennedy, Kvalheim, McMillan, Marietta, Penry, Rice, Turner, White (G), and Zoghby.

—15

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #3 offered by Rep. Johnson (Roy) to the bill, H. 13 as amended, and the amendment

was adopted.

Yeas 88, Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hall, Hammett, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—88

Nays:

Reps. Harper and Turner.

—2

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment #4 to the bill, H. 13 as amended:

Amend substitute for substitute of H. B. 13, page 27, line 12, by inserting between the words "the" and "expenses" the word reasonable.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy) the amendment #4 offered by him to the bill, H. 13, as amended, was tabled.

Yeas 56; Nays 35.

Yeas:

Mr. Speaker, Albright, Blake, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Ford, Fuller, Goodwin, Gray, Grouby, Hall, Holley, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey Martin, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Reed, Rogers, Smith, Tanner, Trammell, Warren and White (F).

—56

Nays:

Reps. Beers, Black, Boles, Box, Buskey (James), Carothers, Clark (W), Faulk, Gaston, Grimsley, Harper, Hooper, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, McNair, Marietta, Mathis, Mikell, Payne, Penry, Preuitt, Rains, Rice, Sasser, Seibels, Starkey, Thomas, Turner, Turnham, White (G), White (L), and Zoghby.

—35

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Mitchem, Little, and Barron:

S. 11. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 11. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and

ordered same sent forthwith to the House without engrossment:

By Senator Cooley:

S. 23. Relating to Class 3 municipalities so as to require that certain zoning variances in certain residential areas must be approved by the municipal governing body prior to being implemented.

Also:

By Senator Teague:

S. 5. To amend Act No. 83-75 enacted at the 1983 First Special Session of the Legislature of Alabama, as amended, which act relates to the power of counties to issue warrants to finance the costs of necessary public buildings, bridges and roads; to authorize each county in the State of Alabama to sell and issue from time to time warrants for the purpose of paying the costs of acquiring (by construction, purchase or otherwise) public facilities which such county is authorized to acquire by laws other than this act; to define public facilities and other particular terms used in the substantive provisions of this act; to authorize the county commission of each county issuing warrants pursuant to the provisions of this act to determine whether such warrants shall be general obligations of such county or limited obligations payable solely from a specified source; to authorize such county commission to determine, within the constraints of this act, the terms and conditions of such warrants; to provide that certain taxes, revenues and other funds may be pledged as additional security for general obligation warrants issued under the provisions of this act; to provide that certain taxes, revenues and other funds may be pledged as the sole source of payment for limited obligation warrants issued under the provisions of this act; to specify the effect and priority of any such pledges; to authorize the issuance of refunding warrants and to specify the nature of the debt that may be refunded thereby; to provide that warrants issued under the provisions of this act shall be legal investments; to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county; to provide that the provisions of this act shall control over inconsistent provisions of other laws; and to provide that the provisions of this act shall be severable.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 23. Local Government.

S. 5. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Mitchem, Little, and Barron:

S. 10. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon ciga-

rettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 10. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Cooley:

S. 26. To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any original judgment or decree for the payment of support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing, prospective support obligations; to provide for the content or orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and, further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 26. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Little, Denton, Parsons, Foshee, Dixon, Covington, Dial, Holmes, Corbett, deGraffenried, Hand, Barron, Goodwin, Ellis, Teague, Bedsole, Strong, Cabaniss, Figures, Menton, and Bailey:

S. 8. To provide that legislative compensation shall be voted on by a recorded vote.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 8. State Administration.

SPECIAL ORDER RESUMED AMENDMENT OFFERED

Rep. Payne offered the following amendment #1 to the bill, H. 13 as amended:

On page 16, delete Section 7 in its entirety and renumber remaining sections accordingly.

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (Roy) to table the amendment #1 offered by Rep. Payne to the bill, H. 13 as amended, was lost.

Yeas 40; Nays 50.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Campbell, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Dutton, Escott, Fuller, Goodwin, Holley, Horn, Johnson (Roy), Junkins, Lauderdale, Lindsey, Melton, Mitchell, Newman, Nicholson, Parker, Perdue, Pratt, Reed, Rogers, Spratt, Tanner and Turner.

—40

Nays:

Reps. Beers, Biddle, Black, Boles, Box, Brooks, Buskey (James), Butler, Carothers, Cosby, Faulk, Flowers, Ford, Gaston, Grimsley, Grouby, Harper, Harvey, Holmes, Hooper, Johnson (R.G.), Kennedy, Kvalheim, Laird, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Moore, Onderdonk, Payne, Poole, Preuitt, Rains, Rice, Sasser, Seibels, Smith, Starkey, Thomas, Trammell, Turnham, Venable, Warren, White (G), White (L), and Zoghby.

—50

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #1 offered by Rep. Payne to the bill, H. 13 as amended, and the amendment was adopted.

Yeas 91; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—91

Nays: Reps. Horn and Spratt.

—2

AMENDMENT OFFERED

Rep. Buskey (James) offered the following amendment to the bill, H. 13 as amended:

Amend Substitute to Substitute for H. B. 13 on page 27, lines 13 through 16, Section 17, after the words "of levy and sale." by striking the following language:

~~The fee for a professional auctioneer that may be employed at the discretion of the Commissioner or his delegate shall be considered an expense of the levy and sale.~~

AMENDMENT TABLED

On motion of Rep. Johnson (Roy) the amendment offered by Rep. Buskey (James) to the bill, H. 13 as amended, was tabled.

Yeas 49; Nays 31.

Yeas:

Mr. Speaker, Albright, Blake, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Campbell, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Fuller, Goodwin, Grouby, Hall, Harvey, Holley, Horn, Johnson (Roy), Junkins, Lauderdale, Lindsey, Martin, Mathis, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Rogers, Smith, Starr, Tanner, Trammell, Warren and White (F).

—49

Nays:

Reps. Beers, Boles, Box, Brooks, Buskey (James), Butler, Cosby, Faulk, Flowers, Gaston, Gray, Harper, Hooper, Johnson (R.G.), Kennedy, Kvalheim, McKee, McNair, Marietta, Mikell, Perdue, Preuitt, Rains, Rice, Seibels, Turner, Turnham, White (G), White (L) and Zoghby.

—31

AMENDMENT OFFERED

Reps. Poole and Fuller offered the following amendment to the bill, H.

13 as amended:

On page 18, Section 10, lines 29 through 36 and on page 19, lines 7 and 8, by striking Section 10 in its entirety and by renumbering remaining sections accordingly.

And the amendment was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—88

AMENDMENT OFFERED

Rep. Starr offered the following amendment to the bill, H. 13 as amended:

Amend the Substitute to the Substitute to House Bill 13, Section 6, Page 14, Line 19, after the period by adding the following:

The Commissioner of Revenue or his delegate shall procure a temporary restraining order from the appropriate Circuit Court of Alabama prior to a jeopardy levy for which said court may order the taxpayer restrained from disposing of any assets or otherwise provide for other means to insure collection of the tax liability.

And the amendment was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Harper, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—93

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 13 as

amended:

Amend House Bill 13, as Substituted, Section 13, Subsection (b)(2), Page 23, Lines 35 and 36, by striking the following language: current prime rate of interest per annum and insert in lieu thereof the following language: current rate of interest per annum as last published and charged on delinquent taxes by the Internal Revenue Service

And the amendment was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Hall, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—91

AMENDMENT OFFERED

Rep. Harvey offered the following amendment to the bill, H. 13 as amended:

In Section 6, page 15, line 33, delete the word "promptly" and insert in lieu thereof the words:

within ten (10) days

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McKee, McMillan, McNair, Marietta, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Sasser, Seibels, Spratt, Starr, Tanner, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—85

AMENDMENT OFFERED

Rep. Poole offered the following amendment to the bill, H. 13 as

amended:

Amend the substitute for the substitute for H. B. 13, p. 11, by striking subpart (B) of Section 5 (f)(1) and substituting in lieu thereof the following:

~~(B)-Personal Property. In the case of personal property, whether tangible or intangible, in the office of the Secretary of State.~~

(B) Personal Property. — In the case of personal property, whether tangible or intangible, in the office (i) in which a financing statement would be filed to perfect a security interest with respect to such property pursuant to the Alabama Uniform Commercial Code, or (ii) of the Secretary of State, if a financing statement would not be required to be filed to perfect a security interest with respect to such property; provided, however, if the property is a motor vehicle (as defined under sub-section (g)(3) of Section 5), the tax lien shall be perfected in the same manner as a security interest is required to be perfected with respect to such motor vehicle. Such notice shall be effective as to any third party only when properly included by name in the index of such financing statements available for public inspection, and shall not be effective against a third party who relies upon a certification of such filings obtained in the manner provided in Section 7-9-407 of the Code of Alabama 1975 if such notice is omitted from the certification. Each filing officer shall reflect such notices in any certificate provided pursuant to Section 7-9-407.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Buskey (James) to indefinitely postpone the amendment offered by Rep. Poole to the bill, H. 13 as amended, was lost.

Yeas 12; Nays 63.

Yeas:

Reps. Blake, Buskey (James), Butler, Gaston, Hall, Harper, Kvalheim, McMillan, Marietta, Mitchell, Rice and Seibels.

—12

Nays:

Mr. Speaker, Albright, Beers, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Campbell, Clark (D), Coburn, Coleman, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, McKee, Martin, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Payne, Perdue, Poole, Pratt, Preuit, Rains, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—63

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Poole to the bill, H. 13 as amended, and the amendment was adopted.

Yeas 68; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey

(John), Butler, Campbell, Carothers, Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Gray, Grayson, Grimsley, Grouby, Hall, Harvey, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McKee, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Perdue, Poole, Pratt, Rains, Reed, Rogers, Sasser, Smith, Spratt, Starr, Tanner, White (F), White (L) and Zoghby.

—68

Nay: Rep. Turner.

—1

AMENDMENT OFFERED

Rep. Turner offered an amendment to the bill, H. 13 as amended.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Turner to the bill, H. 13 as amended, was tabled.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Black, Blake, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Harvey, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F) and White (G), White (L) and Zoghby.

—87

RULES SUSPENDED

On motion of Rep. Sasser, the rules were suspended and the House agreed to vote on passage of the bill, H. 13 as amended and pending amendments at 9:10 o'clock p.m.

Yeas 72; Nays 16.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Blake, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Fuller, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Harvey, Hettinger, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lindsey, Martin, Mathis, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Trammell, Turnham, Venable, Warren, White (F), White (G) and White (L).

—72

Nays:

Reps. Box, Buskey (James), Clark (W), Gaston, Harper, Hooper, Kennedy,

Kvalheim, McKee, McMillan, Marietta, Penry, Rice, Starkey, Turner and Zoghby.

—16

AMENDMENT OFFERED

Rep. Johnson (Roy), offered the following amendment #5 to the bill, H. 13 as amended:

Amend substitute for substitute of H. B. 13, page 37, line 8, by deleting the period and adding the following language:

, but such approval shall not be unreasonably withheld.

Further Amend substitute for substitute of H. B. 13, page 37, line 28, by inserting after the word "any" the word personal and by deleting the following:

~~, real or personal,~~

Further Amend substitute for substitute of H. B. 13, page 38, line 13, by deleting the period and adding the following language:

, but such approval shall not be unreasonably withheld.

Further amend the Substitute to the Substitute to H. B. 13, Section 30, page 38, line 31, by deleting the period and adding the following:

as determined and ordered distributed by the trial court.

Further Amend Substitute to Substitute H. B. 13 on Page 28, lines 11 and 12, by deleting " — ~~upon application and satisfactory proof in support thereof,~~"

Further delete the phrase "~~credited or~~" on line 12, page 28.

Further Amend Substitute for Substitute of H. B. 13 Section 38, page 42, line 34 as follows:

delete the period following the word "laws" and insert therein a space, dash, space and the following language: Taxpayer protection from harassment.

Further amend Section 38, page 43, line 27 by inserting therein the following new paragraph:

(c) Any employee of the State Revenue Department acting in an official capacity under the provisions of this title who by unlawful force or threats of force endeavors to intimidate or harass a taxpayer, upon determination by a special board to be appointed by the State Personnel Department that the charge is valid, shall be subject to immediate dismissal, and upon such dismissal may be subject to such penalties as provided under this section. The term "threats of force" as used in this subsection means threats of bodily harm to the taxpayer or to a member of his family.

Further Amend the substitute for the substitute for H. B. 13, in Section 3 of said bill, on page 3, line 20 thereof, by adding the following sentence after the word "person":

The Department of Revenue shall give notice of lien to the taxpayer.

Further Amend substitute for substitute of H. B. 13, page 5, line 25 by deleting paragraph (7) in its entirety and substituting therein the following:

(7) Real property subject to a mechanic's lien for certain repairs and improvements. — With respect to real property subject to a lien for repair or improvement as against a mechanic's lienor, but only if the contract price on the contract with the owner is not more than \$1,000.

Further amend the Substitute to the Substitute to H. B. 13, on page 39, Section 31, line 11, by deleting the period and adding the following:

as determined and ordered distributed by the trial court.

Further amend the Substitute to the Substitute to H. B. 13, on page 41, Section 35, line 33, by deleting the period and adding the following:

as determined and ordered distributed by the trial court.

Further amend the Substitute to the Substitute to H. B. 13, on page 42, Section 37, line 30, by deleting the period and adding the following:

as determined and ordered distributed by the trial court.

Further amend the Substitute to the Substitute to H. B. 13, on page 19, line 31, after the word "sold," by adding the following:

including both a legal description and a readily understandable layman's description.

Further amend the Substitute to the Substitute to H. B. 13, on page 1, in the Synopsis, line 15, after the word "manner" and the period by striking the following:

~~The Commissioner of Revenue is given the same authority as county sheriffs in the levy and seizure of property.~~

Further amend the Substitute to the Substitute to H. B. 13, on page 13, Section 6, Subsection (a), line 37, after the word "within" by striking 10 and inserting in lieu thereof 30; and on page 19, line 33, after the words "to the" by striking 10 and inserting in lieu thereof 30; and on line 34 after the word "such" by striking 10 and inserting in lieu thereof 30; and on page 20, line 16, after the words "less than" by striking 10 and inserting in lieu thereof 30.

Further amend the Substitute to the Substitute to H. B. 13, on page 44 immediately following line 28 by adding a new section and renumbering the following sections accordingly:

Section 40. The Commissioner of Revenue will file a report in one year periods of the effective date of this Act for a period of five years that states the amount of additional tax money that was collected as the result of this Act. This report shall be delivered to each Legislator and each Constitutional officer.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby,

Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—95

AMENDMENT OFFERED

Rep. Payne offered the following amendment #2 to the bill, H. 13 as amended:

On page 20, delete lines 21 and 22 in their entirety and insert in lieu thereof:

(1) Minimum price — Before the sale, a board of appraisers composed of the Commissioner of Revenue, the President of the State Board of Realtors and one MAI appraiser from each U.S. Congressional District may determine a minimum price for which the

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #2 offered by Rep. Payne to the bill, H. 13 as amended, was tabled.

Yeas 62; Nays 13.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Gray, Grayson, Grimsley, Grouby, Hettinger, Holley, Horn, Johnson (Roy), Junkins, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Preuitt, Reed, Rice, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turnham, Venable, Warren and White (G).

—62

Nays:

Reps. Box, Buskey (James), Buskey (John), Gaston, Johnson (R.G.), Kvalheim, McNair, Poole, Rains, Sasser, Turner, White (L) and Zoghby.

—13

AMENDMENT OFFERED

Rep. Buskey (James) offered the following amendment #2 to the bill, H. 13 as amended:

Amend Substitute to Substitute for H. B. 13, on page 40, Section 33, beginning on line 8 by striking the word *penalty* and by inserting in lieu thereof the following:

penalty

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—89

And the bill:

H. 13. The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 29.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Clark (D), Clark (J), Coburn, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grimsley, Grouby, Harvey, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Rogers, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (F) and Zoghby.

—67

Nays:

Reps. Biddle, Black, Boles, Buskey (James), Butler, Carter, Faulk, Gaston, Hall, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, McKee, McMillan, McNair, Marietta, Payne, Penry, Rains, Rice, Sasser, Seibels,

Starkey, Turnham, Warren, White (G) and White (L).

—29

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Johnson (Roy) offered the motion to reconsider the vote by which the bill, H. 13 as amended, was passed, and to table his motion to reconsider the vote, and the motion to table was adopted.

Yeas 65; Nays 32.

Yeas:

Mr. Speaker, Albright, Biddle, Blake, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Goodwin, Grayson, Grouby, Hall, Harvey, Holley, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Rogers, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable and White (F).

—65

Nays:

Reps. Adams, Black, Boles, Box, Buskey (James), Butler, Carter, Faulk, Gaston, Gray, Grimsley, Harper, Hettinger, Hooper, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, McNair, Marietta, Payne, Penry, Rice, Sasser, Seibels, Starkey, Turnham, Warren, White (G), White (L) and Zoghby.

—32

MOTION TO REMOVE AMENDMENT FROM JOURNAL ADOPTED

On motion of Rep. Holley, the amendment offered by Rep. Turner to the bill, H. 13 as amended, was removed from the Journal, said amendment having been previously tabled by a vote of 87-0.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 37. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 37, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 40. MOURNING THE DEATH OF MISS CARYL LYNN STUCKEY OF MONTGOMERY, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 40, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Holmes, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 38. COMMENDING COACH LOU SCALES OF CALHOUN COUNTY'S ALEXANDRIA HIGH SCHOOL.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 38, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 104. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, December 8, 1983, we adjourn to meet again on Monday, December 12, 1983, at 1:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 104, was adopted.

Also:

By Reps. Johnson (Roy), Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 105. COMMENDING MR. RYAN deGRAFFENRIED, JR., OF TUSCALOOSA AS LEGISLATOR OF THE YEAR.

WHEREAS, the Alabama Legislature notes with highest praise the section on December 6, 1983, of Senator Ryan deGraffenried of Tuscaloosa as Legislator of the Year; and

WHEREAS, it is to be noted that this prestigious designation, an award sponsored by the Alabama League of Savings Associations, was by vote of Mr. deGraffenried's peers; and

WHEREAS, Senator deGraffenried has served in the legislature since 1978, and the dedication and effectiveness of his service is reflected in this honor bestowed by his colleagues who, through association, are most knowledgeable of Mr. deGraffenried's exceptional ability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Senator Ryan deGraffenried of Tuscaloosa as Legislator of the Year, 1982-83.

BE IT FURTHER RESOLVED, That our good friend, Senator deGraffenried, receive a copy of this resolution tendered in friendship and warmest regard.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 105, was adopted.

Also:

By Reps. Cosby, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren,

White (F), White (G), White (L), and Zoghby:

H. J. R. 106. COMMENDING MR. RICK MANLEY OF DEMOPOLIS AS LEGISLATOR OF THE YEAR.

WHEREAS, the Alabama Legislature notes with highest praise the selection, on December 6, 1983, of former State Representative Rick Manley of Demopolis as Legislator of the Year; and

WHEREAS, it is to be noted that this prestigious designation, an award sponsored by the Alabama League of Savings Associations, was by vote of Mr. Manley's peers; and

WHEREAS, Representative Manley served in the legislature for a total of seventeen years, and the dedication and effectiveness of his service is reflected in this honor bestowed by his colleagues who, through association, are most knowledgeable of Mr. Manley's exceptional ability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Representative Rick Manley of Demopolis as Legislator of the Year, 1982-83.

BE IT FURTHER RESOLVED, That our good friend, Rick Manley, receive a copy of this resolution, tendered in friendship and warmest regard.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 106, was adopted.

Also:

By Reps. McKee, Hooper, Starr, Mikell, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 107. MOURNING THE TRAGIC DEATH OF CORPORAL HENRY "BEN" TOWNSEND, JR.

WHEREAS, it is with a sense of deep sadness and regret that the Alabama Legislature notes the recent untimely death of Marine Lance Corporal Henry "Ben" Townsend, Jr. of 2850 Kingman Drive, Montgomery, Alabama, who died December 2, 1983, at Bethesda Naval Hospital in Maryland, from wounds received in the October 3, 1983 bombing of Marine Headquarters in Beirut, Lebanon; and

WHEREAS, Corporal Townsend attended Jeff Davis High School in Montgomery; and

WHEREAS, he was only 21 years old at the time of his death; and

WHEREAS, he gave the supreme sacrifice in the name of freedom away

from his family and home on foreign soil;

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Henry "Ben" Townsend, Jr. and extend our heartfelt sympathy to his wife, Marcia Townsend, his daughter, Kewanna Duncan, his mother and father, Lillian and Henry Townsend, Sr., his brother, Bernard Townsend, his two sisters, Cynthia Townsend and Valeria Townsend, all of Montgomery, and to other family members.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to those named above.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 107, was adopted.

Also:

By Reps. Coleman, Rains, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 108. COMMENDING FORMER REPRESENTATIVE PHIL KELLEY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, Mr. Phil Kelley of Guntersville served the State of Alabama as Representative from House District 26 from 1974 to 1982; and

WHEREAS, Representative Kelley's legislative tenure was marked in its accomplishment, and his abilities were recognized through assignment to such important committees as State Administration which he chaired, Conservation, Commerce and Transportation and Local Legislation Number One; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative Phil Kelley for outstanding service to both House District 26 and Marshall County, and to the entire State of Alabama as well,

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our distinguished former colleague, Representative Phil Kelley, in small token of our sincere appreciation and regard.

On motion of Rep. Coleman, the rules were suspended and the resolution, H. J. R. 108, was adopted.

Also:

By Reps. Rains, Adams, Albright, Bachus, Beers, Biddle, Black, Blake,

Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 109. COMMENDING FORMER REPRESENTATIVE DAVID STOUT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, Mr. David Stout of Fort Payne served the State of Alabama as Representative from House District 24 from 1978 to 1983; and

WHEREAS, Representative Stout's legislative tenure was marked in its accomplishment, and his abilities were recognized through assignment to such important committees as Banking, Local Government, Highway Safety, State Administration, Education and Commercial and Industrial Development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative David Stout for outstanding service to both House District 24 and DeKalb County, and to the entire State of Alabama as well,

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our distinguished former colleague, Representative David Stout, in small token of our sincere appreciation and regard.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 109, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Poole, the rules were suspended in order to take up out of order the bill, H. 24.

And the bill:

H. 24. To appropriate \$10,000 from the general fund to the Department of Public Health for the purchase of rubella vaccine to be administered for the purpose of preventing birth defects; to grant immunity to public employees administering such vaccine; and to authorize the charging of fees for such immunizations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Blake, Bowling, Box, Brooks, Browder, Bugg, Burke, Campbell, Carothers, Clark (J), Coburn, Coleman, Cosby, Crow, Dutton,

Faulk, Gaston, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Preuitt, Rains, Sasser, Seibels, Smith, Starr, Trammell, Venable, Warren, White (F), and Zoghby.

—60

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:20 A.M. on December 8, 1983.

H. J. R. 32

H. J. R. 36

H. J. R. 52

Delivered to the Governor at 2:00 P.M. on December 8, 1983.

H. J. R. 9

H. J. R. 27

H. J. R. 28

H. J. R. 29

H. J. R. 30

H. J. R. 35

H. J. R. 38

H. J. R. 39

H. J. R. 41

H. J. R. 46

H. J. R. 47

H. J. R. 49

H. J. R. 50

H. J. R. 59

H. J. R. 60

H. J. R. 61

H. J. R. 62

H. J. R. 63

H. J. R. 64

H. J. R. 65

H. J. R. 66

H. J. R. 67

H. J. R. 68

H. J. R. 72

H. J. R. 73

H. J. R. 79

H. J. R. 83

H. J. R. 84

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. White (F) and pursuant to the resolution, H. R. 104, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Monday, December 12, 1983.

SIXTH DAY

House of Representatives
Montgomery, Alabama
Monday, December 12, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Joe Hatcher, First United Methodist Church, LaFayette, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burka, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

A quorum was present.

MOTION TO SUSPEND RULES AND ADOPT REPORT
OF STANDING COMMITTEE ON RULES

Rep. Clark (J) offered the motion to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the fifth legislative day and to adopt the report of the Standing Committee on Rules.

DIVISION OF THE QUESTION

Rep. Box called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Clark (J) to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the fifth legislative day, and the motion was lost, lacking a four-fifths vote.

Yeas 43; Nays 25.

Yeas:

Mr. Speaker, Biddle, Blake, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Crow, Davis, Fuller, Grayson, Grimsley, Grouby Hettinger, Holley, Holmes, Johnson (Roy), Lauderdale, Lindsey, Mikell, Mitchell, Moore, Poole, Reed, Rogers, Smith, Starkey, Starr, Tanner, Trammell, Venable and White (L).

—43

Nays:

Reps. Beers, Black, Box, Brooks, Buskey (James), Buskey (John), Clark (W), Dutton, Gaston, Harper, Hooper, Johnson (R.G.), Kennedy, Kvalheim, McMillan, Marietta, Onderdonk, Penry, Rice, Seibels, Turner, Warren, White (F), White (G) and Zoghby.

—25

READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the fifth legislative day, and the reading commenced.

The reading at length of the Journal of the House of Representatives for the fifth legislative day having been completed, and on motion of Rep. Johnson (Roy) the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

H. 1 TAKEN UP

And the bill:

H. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

Which was temporarily postponed on the fourth legislative day, was taken up.

MOTION TO SUBSTITUTE S. 1 FOR H. 1

Rep. Campbell offered the motion to substitute the bill, S. 1, for the bill, H. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 6. COMMENDING MISS REGINA M. QUICK FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

H. J. R. 7. COMMENDING MISS SHERON J. ROSE FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

H. J. R. 8. COMMENDING MISS ALICE MARSHALL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

H. J. R. 51. COMMENDING OUR COLLEAGUE, REPRESENTATIVE BETH MARIETTA, OF THEODORE, ALABAMA.

Also:

H. J. R. 53. EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

Also:

H. J. R. 54. HONORING MR. BILL PIKE FOR HIS MANY YEARS OF SERVICE WITH THE CENTER POINT FIRE DEPARTMENT.

Also:

H. J. R. 55. COMMENDING MR. CARL BOSECK.

Also:

H. J. R. 57. COMMENDING TRI-GLASS INDUSTRIES OF DALEVILLE, ALABAMA'S FASTEST GROWING COMPANY.

Also:

H. J. R. 105. COMMENDING MR. RYAN deGRAFFENRIED, JR., OF TUSCALOOSA AS LEGISLATOR OF THE YEAR.

Also:

H. J. R. 106. COMMENDING MR. RICK MANLEY OF DEMOPOLIS AS LEGISLATOR OF THE YEAR.

Also:

H. J. R. 108. COMMENDING FORMER REPRESENTATIVE PHIL KELLEY FOR OUTSTANDING SERVICE TO THE ALABAMA

LEGISLATURE.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 33. COMMENDING MR. AND MRS. JOHN THRASH ON THEIR 70TH WEDDING ANNIVERSARY.

Also:

H. J. R. 34. COMMENDING MR. AND MRS. HOMER McCAULEY ON THEIR 64TH WEDDING ANNIVERSARY.

Also:

H. J. R. 40. CONGRATULATING MR. AND MRS. CLARENCE ALLEN BARKLEY OF SWEET WATER, ALABAMA, ON THE OCCASION OF THEIR 65TH WEDDING ANNIVERSARY.

Also:

H. J. R. 42. COMMENDING JEFFREY EVERS, CHICKASAW, ALABAMA.

Also:

H. J. R. 43. COMMENDING MR. AND MRS. COLEMAN COMBS ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 44. COMMENDING MR. AND MRS. W. E. HATLEY ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 45. CONGRATULATING MR. FLOYD PRADY ON HIS RETIREMENT.

Also:

H. J. R. 48. COMMENDING MR. AND MRS. PEARLIE HOLLAND ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 107. MOURNING THE TRAGIC DEATH OF CORPORAL HENRY "BEN" TOWNSEND, JR.

Also:

H. J. R. 109. COMMENDING FORMER REPRESENTATIVE DAVID STOUT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

McDOWELL LEE,
Secretary.

H. 1 RESUMED

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Buskey (James) that the House adjourn until 10:00 o'clock a.m., Tuesday, December 13, 1983, was lost.

Yeas 39; Nays 42.

Yeas:

Reps. Adams, Beers, Black, Box, Brooks, Buskey (James), Buskey (John), Carothers, Clark (W), Cosby, Dutton, Flowers, Fuller, Gaston, Gray, Grimsley, Harper, Johnson (R.G.), Junkins, Kennedy, Kvalheim, McDowell, McKee, McMillan, McNair, Marietta, Penry, Pratt, Preuitt, Rice, Seibels, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—39

Nays:

Mr. Speaker, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Bryant, Bugg, Burke, Butler, Campbell, Carter, Clark (D), Clark (J), Coburn, Crow, Faulk, Goodwin, Grayson, Grouby, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Laird, Lauderdale, Mitchell, Onderdonk, Parker, Poole, Reed, Rogers, Smith, Spratt, Starkey, Starr, Trammell and Venable.

—42

The question was then on the motion offered by Rep. Campbell that the bill, S. 1 be substituted for the bill, H. 1.

SUBSTITUTE MOTION TABLED

On motion of Rep. Campbell, the substitute motion offered by Rep. Box, that the bill, H. 1, be postponed to the twelfth legislative day, was tabled.

Yeas 58; Nays 29.

Yeas:

Mr. Speaker, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Cosby, Crow, Davis, Faulk, Flowers, Fuller, Goodwin, Grayson, Grimsley, Grouby, Holley, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, Melton, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Venable and White (L).

—58

Nays:

Reps. Albright, Beers, Black, Box, Brooks, Buskey (James), Clark (W), Dutton, Gaston, Gray, Harper, Hettinger, Hooper, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, McNair, Marietta, Penry, Rice, Seibels, Turner, Turnham, Warren, White (F), White (G) and Zoghby.

—29

The question was then on the motion offered by Rep. Campbell that

the bill, S. 1 be substituted for the bill, H. 1.

NOTICE IN WRITING

Rep. Buskey (James) filed the following Notice in Writing:

Notice is hereby given, in accordance with House Rule 7, that on the next Legislative Day, a motion will be made to amend the House Rules as follows:

House Rule 31a, which rule provides that any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill, is hereby repealed.

ADJOURNMENT

The hour of 12:00 o'clock, midnight, having arrived, the Speaker declared the sixth legislative day had ended.

SEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, December 13, 1983

No motion to adjourn having been offered, the Speaker, at 12:01 a.m., Tuesday, December 1983, called the House to order for the seventh legislative day.

PRAYER

The session was opened with prayer by Rep. Charles Britnell.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark, (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—101

A quorum was present.

MOTION TO SUSPEND RULES AND ADOPT REPORT
OF STANDING COMMITTEE ON RULES

Rep. Clark (J) offered the motion to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the sixth legislative day and to adopt the report of the Standing Committee on Rules.

DIVISION OF THE QUESTION

Rep. Turner called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Clark (J) to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the sixth legislative day, and the motion was lost lacking a four-fifths vote.

Yeas 59; Nays 26.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Bugg, Burke, Butler, Campbell, Carter, Clark (D), Clark (J), Coburn, Cosby, Crow, Davis, Escott, Faulk, Fuller, Goodwin, Grayson, Grouby, Hettinger, Holley, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, Melton, Moore, Nicholson, Onderdonk, Payne, Perdue, Poole, Pratt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren and White (L).

—59

Nays:

Reps. Beers, Box, Brooks, Bryant, Buskey (James), Buskey (John), Clark (W), Gaston, Gray, Harper, Hooper, Kennedy, Kvalheim, McKee, McMillan, McNair, Marietta, Mikell, Penry, Rice, Seibels, Starkey, Turner, White (F), White (G) and Zoghby.

—26

READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the sixth legislative day, and the reading commenced.

The reading at length of the Journal of the House of Representatives for the sixth legislative day having been completed, and on motion of Rep. Johnson (Roy), the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixth legislative day was approved.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 31. To amend Code of Alabama, 1975, Sections 40-25-60 and 40-25-62, so as to levy an additional privilege and license tax on the sale, storage,

use, consumption, or delivery of cigarettes within this state, provide for the distribution of same and provide an effective date.

S. 10. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

S. 11. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized and to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 18. To amend section 43-2-42 of the Code of Alabama 1975, which relates to the order of preference in the right to administer an intestate's estate, so as to provide further for the order of granting said right of administration in counties where the general administrator is elected by vote of the people.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substi-

tute, and it was read a second time and placed on the Calendar, to-wit:

S. 26. (With Substitute): To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any original judgment or decree for the payment of support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing, prospective support obligations; to provide for the content or orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and, further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 5. To amend Act No. 83-75 enacted at the 1983 First Special Session of the Legislature of Alabama, as amended, which act relates to the power of counties to issue warrants to finance the costs of necessary public buildings, bridges and roads; to authorize each county in the State of Alabama to sell and issue from time to time warrants for the purpose of paying the costs of acquiring (by construction, purchase or otherwise) public facilities which such county is authorized to acquire by laws other than this act; to define public facilities and other particular terms used in the substantive provisions of this act; to authorize the county commission of each county issuing warrants pursuant to the provisions of this act to determine whether such warrants shall be general obligations of such county or limited obligations payable solely from a specified source; to authorize such county commission to determine, within the constraints of this act, the terms and conditions of such warrants; to provide that certain taxes, revenues and other funds may be pledged as additional security for general obligation warrants issued under the provisions of this act; to provide that certain taxes, revenues and other funds may be pledged as the sole source of payment for limited obligation warrants issued under the provisions of this act; to specify the effect and priority of any such pledges; to authorize the issuance of refunding warrants and to specify the nature of the debt that may be refunded thereby; to provide that warrants issued under the provisions of this act shall be legal investments; to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county; to provide that the provisions of this act shall control over inconsistent provisions of other laws; and to provide that the provisions of this act shall be severable.

S. 23. Relating to Class 3 municipalities so as to require that certain zoning variances in certain residential areas must be approved by the municipal governing body prior to being implemented.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report with substitute:

S. J. R. 5. DESIGNATING CERTAIN AREA IN MONTGOMERY AS PART OF "THE CAPITOL COMPLEX."

Said substitute being as follows:

ESTABLISHING JOINT INTERIM CAPITOL COMPLEX
OVERSIGHT COMMITTEE AND DEFINING THE
BOUNDARIES OF SAID AREA

WHEREAS, The Alabama Legislature finds that the area described herein as the "capitol complex" is a vital part of the past, present, and future of the State of Alabama and that its development must be regulated in such a manner as to insure the character and dignity of the public facilities which constitute the capitol complex of the State of Alabama. The Legislature, in adopting this resolution, has recognized that a part of the City of Montgomery is first and foremost, the capitol of this state and that the final authority for long-range planning of the capitol complex should vest in the State of Alabama in cooperation with the City of Montgomery. It is not the purpose of this resolution to acquire property or to prohibit private development, but rather to ensure that all development within the district, whether public or private, is consistent with the state concern for a well-planned, efficient and aesthetically attractive state capitol complex; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the City of Montgomery shall have total responsibility for the traffic regulation and flow and maintenance of the dedicated streets, utilities, roadways, bridges and sidewalks and the enforcement of all City codes and ordinances within the area of the capitol complex, with the exception of state owned property. The area of the capitol complex shall be within the court and police jurisdictions of the City of Montgomery.

RESOLVED FURTHER, That there is hereby created the Alabama Capitol Complex Planning District, which may be referred to in this resolution as "capitol complex" or "district." The district shall extend to and include all lands within the following boundaries of the City of Montgomery:

Commence on the corner of Jackson Street and Madison Avenue; thence Westerly along Madison Avenue to Hull Street; thence Southerly along Hull Street to one-half block North of Dexter Avenue; thence Westerly to Court Square Area; thence one-half block South of Dexter Avenue; thence East to Hull Street; thence Southerly along Hull Street to High Street; thence Easterly along High Street to Ripley Street; thence Northerly along Ripley Street to Adams Avenue; thence Easterly along Adams Avenue to Jackson Street; thence Northerly along Jackson Street to Madison Avenue, the point of beginning (See attached Map, page 4).

BE IT FURTHER RESOLVED, That there is hereby established the joint Capitol Complex Oversight Committee. There shall be 5 members from the House of Representatives and 5 members from the Senate, appointed by the respective presiding officers. The committee shall study and develop legislation in cooperation with the City of Montgomery and the

State Building Commission to implement by legislative act a planned Capitol Complex. Said committee shall elect from among its members a chairman and vice chairman and shall set its own rules of procedure. The committee shall meet at the call of the chair or upon the request of four or more members. Said committee shall advise the Building Commission and Alabama Legislature concerning matters within the Capitol Complex concerning legislation which might be presented for consideration to the Legislature. The State Building Commission shall be authorized to review all construction, including additions, refurbishing or any structural alteration of any buildings or other structures, except any aesthetic changes thereto, which shall be subject to approval of the Architectural Review Board, the location of and use of buildings or structures therein together with the real property in said district, with the exception of state owned property, shall be subject to all City codes and ordinances.

RESOLVED FURTHER, The responsibilities and jurisdictions of the State Building Commission shall include, but not be limited to:

- (1) Review and coordinating additions to existing buildings as well as the location and construction of new buildings within the capitol complex;
- (2) Developing appropriate landscaping and architectural style, as well as a long-range plan for traffic flow and control in and through the capitol complex with the approval of the appropriate City agencies and commissions; and
- (3) Periodically recommending to the Legislature any changes necessary in the designation of the capitol complex planning district itself.

BE IT FURTHER RESOLVED, That the members shall be entitled to their legislative compensation, per diem, mileage and expense allowance while not in legislative session for each day the committee is engaged in its official duties pursuant to this resolution, which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. Said committee shall terminate on January 1, 1986. Said committee's compensation and expenses shall not exceed \$10,000 per year.

SUBSTITUTE OFFERED

Rep. Starr offered the following substitute to the substitute reported by the Standing Committee on Rules to the resolution, S. J. R. 5:

ESTABLISHING JOINT INTERIM CAPITOL COMPLEX OVERSIGHT COMMITTEE AND DEFINING THE BOUNDARIES OF SAID AREA

WHEREAS, The Alabama Legislature finds that the area described herein as the "capitol complex" is a vital part of the past, present, and future of the State of Alabama and that its development must be regulated in such a manner as to insure the character and dignity of the public facilities which constitute the capitol complex of the State of Alabama. The Legislature, in adopting this resolution, has recognized that a part of the City of Montgomery is first and foremost, the capitol of this state and that the final authority for long-range planning of the capitol complex should vest in the State of Alabama in cooperation with the City of Montgomery. It is not the purpose of this resolution to acquire property or to prohibit private development, but rather to ensure that all development within the district, whether public or private, is consistent with the state concern for a well-planned, efficient and aesthetically attractive state capitol complex; now

therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the City of Montgomery shall have total responsibility for the traffic regulation and flow and maintenance of the dedicated streets, utilities, roadways, bridges and sidewalks and the enforcement of all City codes and ordinances within the area of the capitol complex, with the exception of state owned property. The area of the capitol complex shall be within the court and police jurisdictions of the City of Montgomery.

RESOLVED FURTHER, That there is hereby created the Alabama Capitol Complex Planning District, which may be referred to in this resolution as "capitol complex" or "district." The district shall extend to and include all lands within the following boundaries of the City of Montgomery:

Commence on the corner of Jackson Street and Madison Avenue; thence Westerly along Madison Avenue to Hull Street; thence Southerly along Hull Street to one-half block North of Dexter Avenue; thence West-erly to Court Square Area; thence one-half block South of Dexter Avenue; thence East to Hull Street; thence Southerly along Hull Street to High Street; thence Easterly along High Street to Ripley Street; thence Northerly along Ripley Street to Adams Avenue; thence Easterly along Adams Avenue to Jackson Street; thence Northerly along Jackson Street to Madison Avenue, the point of beginning (See attached Map, page 4).

BE IT FURTHER RESOLVED, That there is hereby established the joint Capitol Complex Oversight Committee. There shall be 5 members from the House of Representatives and 5 members from the Senate, appointed by the respective presiding officers. The committee shall study and develop legislation in cooperation with the City of Montgomery and the State Building Commission to implement by legislative act a planned Capitol Complex. Said committee shall elect from among its members a chairman and vice chairman and shall set its own rules of procedure. The committee shall meet at the call of the chair or upon the request of four or more members. Said committee shall advise the Building Commission and Alabama Legislature concerning matters within the Capitol Complex concerning legislation which might be presented for consideration to the Legislature. The State Building Commission shall be authorized to review all construction, including additions, refurbishing or any structural alteration of any buildings or other structures, in addition to any aesthetic changes thereto which shall be subject to approval of the Architectural Review Board, (Montgomery Area), the location of and use of buildings or structures therein together with the real property in said district, with the exception of state owned property, shall be subject to all City codes and ordinances.

RESOLVED FURTHER, The responsibilities and jurisdictions of the State Building Commission shall include, but not be limited to:

- (1) Review and coordinating additions to existing buildings as well as the location and construction of new buildings within the capitol complex;

- (2) Developing appropriate landscaping and architectural style, as well as a long-range plan for traffic flow and control in and through the capitol complex with the approval of the appropriate City agencies and commissions; and

- (3) Periodically recommending to the Legislature any changes necessary in the designation of the capitol complex planning district itself.

BE IT FURTHER RESOLVED, That the members shall be entitled to their legislative compensation, per diem, mileage and expense allowance while not in legislative session for each day the committee is engaged in its official duties pursuant to this resolution, which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. Said committee shall terminate on January 1, 1986. Said committee's compensation and expenses shall not exceed \$10,000 per year.

RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Starr, further consideration of the resolution, S. J. R. 5, and the pending substitutes was temporarily postponed.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 8. TO AMEND AND REENACT ACT NO. 79-43, H. J. R. 19 OF THE FIRST SPECIAL SESSION 1979 (ACTS 1979, PAGE 61) WHICH RELATES TO THE CREATION OF A CONTINUING JOINT COMMITTEE ON AGRICULTURE, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED ANNUAL EXPENDITURES OF THE COMMITTEE.

On motion of Rep. Holley, the resolution, S. J. R. 8, was adopted.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Holley to suspend the rules in order to postpone the call of the districts for introduction of bills and resolutions, was lost, lacking a four-fifths vote.

Yeas 52; Nays 25.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Bryant, Bugg, Burke, Butler, Campbell, Carter, Clark (D), Clark (J), Coburn, Crow, Davis, Flowers, Fuller, Goodwin, Grayson, Grouby, Hall, Holley, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, Melton, Mitchell, Moore, Nicholson, Onderdonk, Parker, Pratt, Preuitt, Rains, Rogers, Smith, Spratt, Starkey, Tanner, Trammell, Turnham and Venable.

—52

Nays:

Reps. Beers, Box, Brooks, Buskey (James), Clark (W), Cosby, Dutton, Gaston, Gray, Harper, Hooper, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, Marietta, Mikell, Payne, Penry, Rice, Seibels, Turner, White (F) and Zoghby.

—25

RESOLUTIONS

The following resolution was introduced and distributed according to

Joint Rule 11:

By Reps. Clark (D), Starkey and Goodwin:

H. R. 110. COMMENDING MISS DAPHNE DEAN OF KILLEN AS MISS SHOALS ALABAMA.

Also:

The following resolutions were introduced:

By Rep. White (F):

H. J. R. 111. COMMENDING THE ESCAMBIA COUNTY HIGH SCHOOL BLUE DEVILS, STATE 3A FOOTBALL CHAMPIONS.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the Escambia County High School football team as State 3A Champions for 1983, by virtue of their 14-0 victory over Emma Sansom High; and

WHEREAS, under Head Coach Buck Powell and his assistants, Coaches Frankie Bell, Mickey Cannon, Melvin Middleton, David Nolin and Cornell Torrence, the Blue Devils finished the season with a phenomenal 13-2 record, including the playoffs, and with 8 shut-out games to their credit; and

WHEREAS, it is further to be noted that the '83 Devils won more games in a season than ever before in the history of Escambia County High, scoring a season total of 345 points, or an average of 23 points per game; their defense allowed a mere 76 total season points, or 5.06 per game; and

WHEREAS, in addition to the 3A State Title, the Escambia County High Blue Devils also were Area 2, Region 1 and South Alabama Champions with 18-14, 23-0 and 27-0 "wins" over Thomasville, Eufaula and Demopolis respectively; and

WHEREAS, the 1983 Blue Devil State Champs are: Teaster Johnson, Vincent Norman, Thomas Montgomery, Mernard Grant, O. J. Robinson, Leroy Knight, Stephen Freeman, Mike Sutton, Fred Stotts, Jimmy Cunningham, Danny Crenshaw, Mike Coley, Andre Williams, Jimmy Dean, Bernard Grant, Darron Jenkins, Murry Hill, Kelvin Williams, Jerry McMillian, Greg Staples, Douglas Knight, Jon Oliver, Greg Robinson, Robert Wilson, Todd Sanspre, Bobby McPherson, Johnny Wilson, Darrell Johnson, Larry Flurnoy, Ken Brewton, Tim Dickerson, Roger Smith, Chris Walker, Rusty Slate, Darwin Robinson, Charles Staples, Michael Tucker, Anthony Bishop, Joe Craft and Mike Likely; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically congratulate and commend Escambia County High as Champions of State 3A Football for 1983.

BE IT FURTHER RESOLVED, That the Blue Devils receive a copy of this resolution, forwarded to Coach Powell and his staff, with a copy also sent to Principal Thomas A. Plash for appropriate school display.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 111, was adopted.

Also:

By Reps. Black, Kennedy, Reed, Buskey (James), Buskey (John), Bryant

and Thomas:

H. J. R. 112. COMMENDING THE REVEREND PETER JAMES KIRKSEY OF GREENE COUNTY, ALABAMA.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes the numerous achievements of the Reverend Peter James Kirksey of Greene County, Alabama; and

WHEREAS, in 1966, Reverend Kirksey, a prominent black civil rights activist, announced his candidacy for membership on the Greene County Board of Education; and

WHEREAS, when the ballots were counted, Reverend Kirksey emerged as the first black public office holder in the county since the days of Civil War Reconstruction; and

WHEREAS, during his tenure on the Board, he was instrumental in establishing the first vocational institution in Greene County; in 1979, this institution was named the Peter James Kirksey Area Vocational Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most deeply commend and congratulate the Reverend Peter James Kirksey, of Greene County, Alabama, on his many contributions to our State and direct that a copy of this resolution be sent to him as evidence of our high esteem and warmest personal regard.

On motion of Rep. Black, the rules were suspended and the resolution, H. J. R. 112, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Pratt:

H. R. 113. CONGRATULATING MR. REMUS A. CANANT OF PLEASANT GROVE, ALABAMA, ON THE OCCASION OF HIS 100TH BIRTHDAY.

Also:

The following resolutions were introduced:

By Reps. Mitchell, Poole, Johnson (Roy), Melton and Brakefield:

H. J. R. 114. DESIGNATING TUSCALOOSA, ALABAMA, AS THE OFFICIAL SITE OF THE ANNUAL ALABAMA STATE FIDDLE CHAMPIONSHIPS AND BLUE GRASS FESTIVAL.

WHEREAS, the first annual Alabama State Fiddle Championships and Bluegrass Festival will be held August 17-18, 1984, with Tuscaloosa as the host city for the big event; and

WHEREAS, for the purpose of promoting and perpetuating "old time" music and dancing, the two-day festival will include contests in guitar, fiddle, banjo, mandolin, bands and buck dance, in various age groups, to decide state championships in all categories; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate

the first host city, Tuscaloosa, Alabama, as the official site of the Annual Alabama State Fiddle Championships and Bluegrass Festival, beginning in August 1984 and forever thereafter.

On motion of Rep. Mitchell, the rules were suspended and the resolution, H. J. R. 114, was adopted.

Also:

By Rep. Turner:

H. R. 115. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the House stand in recess until 10:00 a.m., December 13, 1983.

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the resolution, H. R. 115:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the House stand in recess until 12:00 noon, December 13, 1983 with the journal left open for the Speaker to assign bills to committee.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Box offered the following substitute to the substitute offered by Rep. Johnson (Roy) to the resolution, H. R. 115:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the House stand in recess until 12:00 noon, December 13, 1983.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Rep. Box to the substitute offered by Rep. Johnson (Roy) to the resolution, H. R. 115, was adopted.

RESOLUTION ADOPTED

On motion of Rep. Johnson (Roy), the resolution, H. R. 115 as amended, was adopted.

RECESS

Pursuant to the resolution, H. R. 115, heretofore adopted, the House recessed until 12:00 o'clock noon.

HOUSE RECONVENED

The hour of 12:00 o'clock noon having arrived, the House reconvened. The Speaker called the House to order.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 116. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That at the hour of 2:00 P.M., December 13, 1983, a vote shall be taken on the final passage of Senate Bill 1.

On motion of Rep. Clark (J), the resolution, H. R. 116, was adopted.

And the bill:

S. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

Was taken up.

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, S. 1:

Amend Senate Bill 1, page 1, in the Synopsis, line 5, after the words "South Alabama" by inserting the following:

and all land patents by Governor Wallace between September 1, 1972 and November 14, 1983

And on page 1, in the Title, line 13, after the word "Alabama" by inserting the following:

and all land patents by Governor Wallace between September 1, 1972 and November 14, 1983 and

And on page 3, line 1, by inserting a new Section 3 and renumbering remaining sections accordingly. New Section 3 to read as follows:

Section 3. All land patents granted by Governor Wallace between September 1, 1972 and November 14, 1983, are hereby negated.

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Turner to the bill, S. 1, was tabled.

Yeas 58; Nays 17.

Yeas:

Mr. Speaker, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carter, Clark (D), Clark (J), Coburn, Crow, Davis, Flowers, Fuller, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harvey, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Lauderdale, Lindsey, McDowell, Mathis, Melton, Mitchell, Moore, Nicholson, Onderdonk, Parker, Preuitt, Rains, Reed, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Venable and White (L).

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Nays:

Reps. Box, Buskey (James), Clark (W), Dutton, Gaston, Harper, Hooper, Kennedy, Kvalheim, McKee, McMillan, Marietta, Mikell, Penry, Turner, Warren and Zoghby.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has ex-

amined the following House Joint Resolutions, to-wit:

H. J. R. 6. COMMENDING MISS REGINA M. QUICK FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

H. J. R. 7. COMMENDING MISS SHERON J. ROSE FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

H. J. R. 8. COMMENDING MISS ALICE MARSHALL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

H. J. R. 33. COMMENDING MR. AND MRS. JOHN THRASH ON THEIR 70TH WEDDING ANNIVERSARY.

Also:

H. J. R. 34. COMMENDING MR. AND MRS. HOMER McCAULEY ON THEIR 64TH WEDDING ANNIVERSARY.

Also:

H. J. R. 40. CONGRATULATING MR. AND MRS. CLARENCE ALLEN BARKLEY OF SWEET WATER, ALABAMA, ON THE OCCASION OF THEIR 65TH WEDDING ANNIVERSARY.

Also:

H. J. R. 42. COMMENDING JEFFREY EVERS, CHICKASAW, ALABAMA.

Also:

H. J. R. 43. COMMENDING MR. AND MRS. COLEMAN COMBS ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 44. COMMENDING MR. AND MRS. W. E. HATLEY ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 45. CONGRATULATING MR. FLOYD PRADY ON HIS RETIREMENT.

Also:

H. J. R. 48. COMMENDING MR. AND MRS. PEARLIE HOLLAND ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 51. COMMENDING OUR COLLEAGUE, REPRESENTATIVE BETH MARIETTA, OF THEODORE, ALABAMA.

Also:

H. J. R. 53. EXTENDING THE COST AND EXPENSE ALLOW-

ANCE FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

Also:

H. J. R. 54. HONORING MR. BILL PIKE FOR HIS MANY YEARS OF SERVICE WITH THE CENTER POINT FIRE DEPARTMENT.

Also:

H. J. R. 55. COMMENDING MR. CARL BOSECK.

Also:

H. J. R. 57. COMMENDING TRI-GLASS INDUSTRIES OF DALEVILLE, ALABAMA'S FASTEST GROWING COMPANY.

Also:

H. J. R. 105. COMMENDING MR. RYAN deGRAFFENRIED JR., OF TUSCALOOSA AS LEGISLATOR OF THE YEAR.

Also:

H. J. R. 106. COMMENDING MR. RICK MANLEY OF DEMOPOLIS AS LEGISLATOR OF THE YEAR.

Also:

H. J. R. 107. MOURNING THE TRAGIC DEATH OF CORPORAL HENRY "BEN" TOWNSEND, JR.

Also:

H. J. R. 108. COMMENDING FORMER REPRESENTATIVE PHIL KELLEY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 109. COMMENDING FORMER REPRESENTATIVE DAVID STOUT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

S. 1 RESUMED

And the bill, S. 1, was read a third time at length and passed.

Yeas 68; Nays 25.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Crow, Davis,

Escott, Faulk, Flowers, Fuller, Goodwin, Grayson, Grimsley, Grouby, Hammett, Harvey, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Perdue, Pratt, Preuitt, Rains, Reed, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Venable and White (L).

—68

Nays:

Reps. Beers, Box, Brooks, Buskey (James), Clark (W), Cosby, Dutton, Gaston, Gray, Harper, Hettinger, Hooper, Kennedy, Kvalheim, McKee, McMillan, Marietta, Payne, Penry, Rice, Seibels, Turner, Warren, White (G) and Zoghby.

—25

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Holley offered the motion to reconsider the vote by which the bill, S. 1, was passed, and to table his motion to reconsider the vote, and the motion to table was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Albright, Cosby and Hettinger:

H. J. R. 117. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That House Bill 21, Act No. 83-576 of the 1983 Regular Session, which Act exempts diesel fuel used by agricultural equipment from sales tax, is hereby named the "Hall-Mitchem Act".

On motion of Rep. Albright, the rules were suspended and the resolution, H. J. R. 117, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 117:

Mr. Speaker, Adams, Albright, Beers, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carter, Clark (W), Cosby, Davis, Dutton, Escott, Faulk, Gray, Grayson, Grouby, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Mathis, Melton, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Penry, Perdue, Pratt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starr, Tanner, Trammell, Venable and White (G).

Also:

By Rep. Adams:

H. R. 118. COMMENDING STATE BOARD OF EDUCATION MEMBER, MR. JOHN TYSON, JR.

WHEREAS, the State Board of Education, in carrying out its appointive duties, was faced recently with the task of naming a new president of Bessemer State Technical College; and

WHEREAS, this particular function of the board, however, was compli-

cated by the fact that the new chancellor of postsecondary education had appointed as his successor, in the capacity of acting president of Bessemer State a person of close kinship to one board member; and

WHEREAS, this action was construed by many, and most particularly by board member John Tyson, Jr., of Mobile, as reflecting in a negative manner toward the State Board of Education; and

WHEREAS, in order to avoid any appearance of impropriety with respect to the appointment of a new president of Bessemer State College, Mr. Tyson moved promptly and quite properly to preclude any suggestion of nepotism on the part of the State Board; and

WHEREAS, Mr. Tyson's resolution of December 8, 1983, which passed with the support of other responsible and conscientious board members, requires that the board appoint a permanent president of Bessemer State Technical College before the March 1984 meeting of the board; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we hereby most highly commend Mr. John Tyson, Jr., for commendable and conscientious service to the State Board of Education and to the citizenry of all Alabama.

BE IT FURTHER RESOLVED, That Mr. Tyson receive a copy of this resolution, in encouragement and support of his recent most honorable action as a member of the State Board of Education; we further express commendation of Mrs. Isabelle Thomasson, Dr. Evelyn Pratt and Mr. James B. Allen, Jr., who courageously rallied behind the direction of Mr. Tyson on December 8.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Adams offered the motion to suspend the rules and adopt the resolution, H. R. 118.

DIVISION OF THE QUESTION

Rep. Holmes called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Adams to suspend the rules in order to take up for immediate consideration the resolution, H. R. 118, and the motion was lost, lacking a four-fifths vote.

Yeas 36; Nays 28.

Yeas:

Reps. Adams, Bowling, Butler, Carter, Clark (J), Clark (W), Coburn, Cosby, Davis, Dutton, Flowers, Gaston, Grimsley, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (R.G.), Junkins, Laird, Lindsey, McKee, McMillan, Marietta, Martin, Mikell, Nicholson, Penry, Pratt, Preuitt, Rains, Rice, Rogers, Venable and Warren.

—36

Nays:

Reps. Biddle, Black, Brooks, Bryant, Bugg, Buskey (John), Carothers, Escott, Grayson, Holley, Holmes, Horn, Johnson (Roy), McDowell, Mathis,

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Melton, Mitchell, Moore, Payne, Poole, Reed, Seibels, Smith, Spratt, Tanner, Thomas, Turner and White (G).

—28

The resolution, H. R. 118, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 10. JOINT INTERIM COMMITTEE TO STUDY PARKING FACILITIES IN CAPITOL COMPLEX.

Also:

S. J. R. 14. WISHING SENATOR ROGER BEDFORD, JR., ALL GOOD WISHES FOR A SPEEDY AND COMPLETE RECOVERY.

Also:

S. J. R. 18. COMMENDING MURPHY HIGH SCHOOL OF MOBILE, STATE 4A FOOTBALL CHAMPIONS FOR 1983.

Also:

S. J. R. 20. EXPRESSING COMMENDATION AND SUPPORT OF THE INAUGURAL RUSSELL ATHLETIC BOWL, THE FIRST NATIONAL POP WARNER FOOTBALL CHAMPIONSHIP.

Also:

S. J. R. 19. COMMENDING THE COLLINSVILLE PANTHERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

S. J. R. 21. CONGRATULATING BROOKWOOD MEDICAL CENTER ON ITS 10TH ANNIVERSARY.

Also:

CONGRATULATING OAK GROVE HIGH SCHOOL, STATE 2A FOOTBALL CHAMPIONS FOR 1983.

Also:

S. J. R. 33. COMMENDING COACH PAT DYE AND AUBURN UNIVERSITY ON THE TIGERS' SOUTHEASTERN CONFERENCE CHAMPIONSHIP.

Also:

S. J. R. 34. COMMENDING THE OAK GROVE HIGH SCHOOL TIGER BAND.

Also:

S. J. R. 35. COMMENDING MRS. ANN GALLOWAY, ANHA "ADMINISTRATOR OF THE YEAR."

Also:

S. J. R. 38. COMMENDING COACH LOU SCALES OF CALHOUN

COUNTY'S ALEXANDRIA HIGH SCHOOL.

Also:

S. J. R. 40. MOURNING THE DEATH OF MISS CARYL LYNN
STUCKEY OF MONTGOMERY, ALABAMA.McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Holmes:

H. R. 119. COMMENDING THE LATE MR. EDWARD L. WOOD
AND NOTING THE RECENT MEMORIAL DESIGNATION IN HIS
HONOR.

Also:

The following resolution was introduced:

By Rep. Turner:

H. R. 120. URGING THE REVENUE COMMISSIONER NOT TO
AUDIT THE SHRINE TEMPLES UNTIL PASSAGE OF A TAX EX-
EMPTION ACT.

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENT-
ATIVES, That we hereby urge Governor George C. Wallace and the Re-
venue Commissioner to deter holding any audit of Shrine Temples or other
fraternal orders until after the passage of proposed legislation granting a tax
exemption to the Shrine Temples.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent
to Governor George C. Wallace and Revenue Commissioner James White as
evidence of our wishes.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Turner offered the motion to suspend the rules and adopt the res-
olution, H. R. 120.

DIVISION OF THE QUESTION

Rep. Johnson (Roy) called for the Division of the Question and the call
was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Turner to sus-
pend the rules in order to take up for immediate consideration the resolu-
tion, H. R. 120, and the motion was lost.

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Yeas 23; Nays 31.

Yeas:

Reps. Blake, Box, Brakefield, Clark (W), Cosby, Crow, Faulk, Gaston, Grouby, Harper, Johnson (R.G.), Kennedy, Kvalheim, McMillan, Marietta, Mathis, Pratt, Rains, Seibels, Turner, Warren, White (L) and Zoghby.

—23

Nays:

Mr. Speaker, Boles, Bowling, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Clark (D), Coburn, Flowers, Fuller, Goodwin, Grayson, Grimsley, Hammett, Holley, Johnson (Roy), Laird, Lindsey, McDowell, Mikell, Mitchell, Moore, Parker, Preuitt, Smith, Starkey, Tanner and Trammell.

—31

The resolution, H. R. 120, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Onderdonk:

H. R. 121. COMMENDING ROBBIE DAVIDSON, 1983 RECIPIENT OF THE RESCUER OF THE YEAR AWARD.

S. J. R. 5 AGAIN TAKEN UP

The resolution, S. J. R. 5 and the pending substitutes, which was previously temporarily postponed, was again taken up.

The question was then on the substitute offered by Rep. Starr to the substitute reported by the Standing Committee on Rules, to the resolution, S. J. R. 5.

MOTION TO TEMPORARILY POSTPONE

Rep. Turner offered the motion to temporarily postpone consideration of the resolution, S. J. R. 5, and the pending substitutes.

MOTION TO TABLE LOST

The motion offered by Rep. Starr to table the motion to temporarily postpone offered by Rep. Turner, was lost.

Yeas 7; Nays 29.

Yeas:

Reps. Brooks, Bugg, Fuller, Gray, Johnson (Roy), Rains and White (G).

—7

Nays:

Reps. Blake, Bowling, Box, Clark (W), Crow, Escott, Flowers, Gaston, Grayson, Grimsley, Hammett, Harper, Hettinger, Holmes, Horn, Johnson (R.G.), Kennedy, Kvalheim, Laird, McDowell, Marietta, Mathis, Melton, Rice, Rogers, Seibels, Smith, Turner and Zoghby.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. J. R. 5 TEMPORARILY POSTPONED

The question was then on the motion offered by Rep. Turner to temporarily postpone consideration of the resolution, S. J. R. 5, and the pending substitutes, and the motion was adopted.

RESOLUTIONS

The following resolution was introduced:

By Reps. Perdue, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 122. EXPRESSING LEGISLATIVE SUPPORT OF SENATOR HOWELL HEFLIN IN HIS EFFORTS TOWARD THE ESTABLISHMENT OF A RESEARCH PARK IN ALABAMA.

WHEREAS, on December 6, 1983, United States Senator Howell Heflin chaired the first of two hearings of the Senate's Science, Technology and Space subcommittee to be held in Alabama; and

WHEREAS, the Birmingham hearing on the development of research parks was the first ever to be held outside Washington, D. C., and was for the purpose of stimulating cooperation between the federal government, private industry and academia in working toward the establishment of such facilities; and

WHEREAS, it is the concensus of the Legislature that there is great potential for a research park in our state established on such strengths, for example, as those existing in Birmingham: the University of Alabama Medical Complex, Southern Research Institute, its proximity to the Huntsville Marshall Space Flight Center and Birmingham's expertise in metal manufacturing and medical research; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wholeheartedly express our support of Senator Howell Heflin in his efforts toward the establishment of a research park in Alabama, and direct that he receive a copy of this resolution in expression of our appreciation for his endeavors on our state's behalf.

On motion of Rep. Perdue, the rules were suspended and the resolu-

tion, H. J. R. 122, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 123. COMMENDING MR. AND MRS. ROY BARRON ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Mathis and Carothers:

H. R. 124. MOURNING THE DEATH OF MR. BOBBY LEE JOHNS, OF DOTHAN, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Boles:

H. J. R. 125. AMENDING ACT NO. 83-72, H. J. R. 24, 1983 1ST SPECIAL SESSION, WHICH CREATED AN INTERIM COMMITTEE ON FINANCES AND BUDGETS, SO AS TO INCREASE THE MEMBERSHIP ON THE COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 83-72, H. J. R. 24, 1983 1st Special session, is hereby amended to read as follows, viz:

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including ex officio members, shall each be entitled to, and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session, and in the same manner and under the same conditions as when they meet in legislative session. Provided, however, that said Committee shall not be paid for more than 30 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. It shall be the duty of the Committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the Chairman and Deputy Chairman of the Senate Committee on Finance and Taxation and seventeen members of the Committee on Finance and Taxation to be appointed by the Lieutenant Governor, the President Pro Tempore of the Senate, the Lieutenant Governor, and the members of the House Standing Committee on Ways and Means, the Speaker Pro Tempore of the House, and the Speaker of the House, seven additional members of the House to be appointed by the Speaker of the House of Representatives and three additional members of the Senate to be appointed by the President of the Senate. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee.

"The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the Committee. The said Co-Chairmen may appoint subcommittees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. The Committee may employ such clerical and expert assistance as the Committee may find necessary in performing its duties.

"All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and shall furnish any and all information that may be requested by the Committee.

"BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor and to each member of the Legislature no later than the fifth legislative day of the regular session. Said Committee shall terminate November 1, 1986."

On motion of Rep. Boles, the rules were suspended and the resolution, H. J. R. 125, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Boles:

H. 32. To provide for an annual adjustment in the amount of the per diem expense allowance and the monthly expense allowance paid to each member of the legislature based on the cost of living index for the southeast region of the United States; and to provide that the legislative fiscal office shall determine and certify annually to the secretary of the senate and the clerk of the house of representatives such cost of living index.

Ways and Means.

RESOLUTIONS

The following resolution was introduced:

By Rep. Bowling:

H. J. R. 126. COMMENDING THE REVEREND HAROLD G. HERMETZ OF SAINT PAUL'S LUTHERAN CHURCH, CULLMAN, ALABAMA, FOR 25 YEARS OF OUTSTANDING SERVICE TO THE LUTHERAN MINISTRY.

WHEREAS, it is with great pleasure, and in sincere commendation, that the Legislature of Alabama, recognizes the Reverend Harold G. Hermetz of Saint Paul's Lutheran Church, Cullman, Alabama, on the 25th Anniversary of his graduation from Concordia Lutheran Theological Seminary and on the 25th Anniversary of continuous outstanding service to the Lutheran Ministry; and

WHEREAS, Reverend Hermetz graduated Summa Cum Laude with a Master of Divinity degree 25 years ago in the largest graduating class ever from Concordia Lutheran Theological Seminary, Saint Louis, Missouri; and

WHEREAS, 25 years ago on August 3, 1958, Reverend Hermetz was ordained a minister in the Lutheran faith at a Lutheran Church-Missouri Synod Parish which he established named Atonement Lutheran Church in Metairie, Louisiana, which now boasts over 1,000 members; and

WHEREAS, Reverend Hermetz also founded parishes in Greenwood and Cleveland, Mississippi, respectively named Christ the King Lutheran Church and Good Sheperd Lutheran Church, while fulfilling his call at Faith Lutheran Church, Greenville, Mississippi, where he was appointed to serve on the Greenville Human Rights Council during Southern racial unrest in the mid-1960's; and

WHEREAS, Reverend Hermetz, a native of Foley, Alabama, and honors graduate of Foley High School and Concordia Lutheran College, Austin, Texas, has been pastor of Saint Paul's Lutheran Church, Cullman, Alabama, for the past 18 years being only the second pastor in Saint Paul's 98-year history to serve such an extended period of time; and

WHEREAS, as pastor of Saint Paul's, Reverend Hermetz has brought a great deal of honor and distinction to Saint Paul's Lutheran Church through his successful ministering of the congregation's needs, most notably, the fund raising and construction of a half a million dollar church facility dedicated in 1970 and by increasing Saint Paul's membership from approximately 600 members in 1965 to over 1,000 in 1983; and

WHEREAS, Reverend Hermetz has further aided the growth of Saint Paul's Lutheran Church by a complete revision of the church's constitution as well as a restructuring of the church's administration; and

WHEREAS, Reverend Hermetz has further brought honor and distinction to Saint Paul's by serving as President of the Cullman County Ministerial Association and as leader of the North Alabama Area Delegation of Lutheran Churches, Circuit 8, representing Saint Paul's and Circuit 8 at numerous conferences including regional and national conventions, and as Chairman of the Parish Education Committee of the Southern District of the Lutheran Church-Missouri Synod; and

WHEREAS, Reverend Hermetz has brought additional honor and distinction to the Lutheran Church by his active participation in community service and organizations such as his leadership as President of the Cullman County Association for Retarded Citizens, President of the Cullman High School Parent-Teachers Association, President of the Cullman Toastmasters Club, President of the Cullman Swim Team Parents Association, Secretary of the Greenville, Mississippi Lions Club, two-term First Vice President of the Cullman County Chamber of Commerce, two-term Secretary of the Cullman County Chamber of Commerce, two-term Secretary of the Cullman High School Quarterback Club, member of the Cullman Community Concerts Board of Directors, and as a member of the North-Central Alabama Mental Health Board of Directors; and

WHEREAS, Reverend Hermetz's 25 years of round-the-clock Christian counsel seven days a week, 365 days a year, has resulted in his performing 315 baptisms, 201 marriages and 174 funeral services; and

WHEREAS, Reverend Hermetz is a noted leader in his profession as well as the community in which he works professionally and communities which he has worked professionally the past 25 years encompassing three states; and

WHEREAS, Reverend Hermetz has served as an exemplar of Christi-

anity to thousands of people by his outstanding performance as a minister and community leader thereby encouraging many nonchurchgoers to attend church as well as encouraging numerous people to pursue careers in the Lutheran ministry as teachers, missionaries or ministers; and

WHEREAS, Reverend Hermetz is held in highest regard by his peers, former students, former classmates and former congregations and indeed by a grateful congregation in the name of Saint Paul's Lutheran Church and by a grateful citizenry in the name of Cullman and Cullman County, Alabama, for his contributions to the profession he has served with distinction and dedication, and with a firm commitment to the furtherance of Christianity and the overall spiritual growth of all God's people better enabling them to live and work well with one another; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express sincere commendation of the Reverend Harold G. Hermetz on the 25th Anniversary of his graduation from Concordia Lutheran Theological Seminary, Saint Louis, Missouri, for outstanding professional achievement in the Lutheran Ministry as exhibited by 25 years of unparalleled service and accomplishment.

BE IT FURTHER RESOLVED, That in token of our utmost esteem, a copy of this resolution shall be presented to Reverend Hermetz and to the President of Saint Paul's Lutheran Church Congregation, Robert Teichmiller, by fellow church member, the Honorable Representative W. C. "Bill" Bowling, sponsor of this resolution, at the proper time and place so as to show the members of Saint Paul's as well as members of the community in which Reverend Hermetz lives and, indeed, the Hermetz Family, our sincere warm praise and regard.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 126, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 127. COMMENDING TED W. HESTER OF GADSDEN, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Buskey (James):

H. R. 128. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That pursuant to Notice in Writing previously filed, according to House Rule 7, House Rule 31a, which rule provides that any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill, is hereby repealed.

MOTION TO TEMPORARILY POSTPONE TABLED

On motion of Rep. Holley, the motion offered by Rep. Buskey (James) to temporarily postpone consideration of the resolution, H. R. 128, was tabled.

Yeas 38; Nays 12.

Yeas:

Mr. Speaker, Adams, Blakeney, Bowling, Brakefield, Browder, Bugg, Butler, Carter, Crow, Flowers, Fuller, Grimsley, Harvey, Holley, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lindsey, Martin, Mathis, Mikell, Mitchell, Onderdonk, Payne, Poole, Rains, Rice, Rogers, Smith, Turner, Turnham, Venable, Warren, White (F), White (G), and White (L).

—38

Nays:

Reps. Box, Bryant, Buskey (James), Buskey (John), Clark (W), Holmes, Horn, Kennedy, Pratt, Reed, Seibels and Zoghby.

—12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION INDEFINITELY POSTPONED

On motion of Rep. Johnson (Roy), the resolution, H. R. 128, was indefinitely postponed.

Yeas 41; Nays 9.

Yeas:

Mr. Speaker, Adams, Beers, Blakeney, Brakefield, Browder, Bugg, Butler, Carter, Clark (J), Crow, Flowers, Fuller, Gray, Grimsley, Grouby, Harvey, Holley, Johnson (R.G.), Johnson (Roy), Laird, Lindsey, Martin, Mathis, Mikell, Mitchell, Nicholson, Onderdonk, Payne, Poole, Rains, Rice, Smith, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—41

Nays:

Reps. Bryant, Buskey (James), Buskey (John), Escott, Holmes, McMillan, Perdue, Reed and Thomas.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Burke, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford,

Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 129. MOURNING THE DEATH OF MARINE CORPORAL SHANNON D. BIDDLE.

Also:

The following resolution was introduced:

By Rep. Campbell:

H. R. 130. RELATING TO THE BINDING OF THE ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Acts and Journals of the 1983 3rd Special Session, 1983 4th Special Session and any other legislative sessions convened prior to the 1984 Regular Session shall be bound together. The Acts and Journals of the 1984 Regular Session shall not be bound with the aforementioned legislative sessions.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 130, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 131. CONGRATULATING MARENGO ACADEMY ON THE STATE CHAMPIONSHIP IN DIVISION 3A OF THE ALABAMA PRIVATE SCHOOL ATHLETIC ASSOCIATION.

BILLS ON THIRD READING

And the bill:

H. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

Was taken up.

H. 1 INDEFINITELY POSTPONED

On motion of Rep. Box, the bill, H. 1, was indefinitely postponed.

And the bill:

H. 26. (With Substitute): To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2 and 40-20-8, so as to provide for a definition of "submerged lands", "offshore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil

or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 20 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; simplify the allocation process; provide certain taxing limits on local government entities; and provide for an effective date.

Was taken up.

SUBSTITUTE OFFERED

Rep. Coburn offered the following substitute to the substitute reported by the Standing Committee on Ways and Means:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2 and 40-20-8, so as to provide for a definition of "submerged lands", "offshore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 20 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; to repeal conflicting laws; provide certain taxing limits on local government entities; and provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-20-1, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-20-1.

For the purpose of this article, the following terms shall have the respective meanings ascribed by this section:

- (1) **DEPARTMENT.** The state department of revenue.
- (2) **ANNUAL.** The calendar year or the taxpayer's fiscal year, when permission is obtained from the department to use a fiscal year as a tax period in lieu of a calendar year.
- (3) **VALUE.** The sale price or market value at the mouth of the well. If the oil or gas is exchanged for something other than cash, if there is no sale at the time of severance or if the relation between the buyer and the seller is such that the consideration paid, if any, is not indicative of the true value or market price, then the department shall determine the value of the oil or gas subject to the tax hereinafter provided for, considering the sale price for cash of oil or gas of like quality.
- (4) **OIL.** Crude petroleum oil and other hydrocarbons regardless of gravity which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the well.
- (5) **GAS.** All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in subdivision (4) above.
- (6) **SEVERED.** The extraction or withdrawing from the soil or water or from below the surface of the soil or water of any oil or gas, whether such extraction or withdrawal shall be by natural flow, mechanically enforced

flow, pumping or any other means employed to get the oil or gas from the soil or water or from below the surface of the soil or water.

(7) **PERSON.** Any natural person, firm, copartnership, joint venture, association, corporation, estate, trust and any other group or combination acting as a unit, and the plural as well as the singular number.

(8) **PRODUCER.** Any person engaging or continuing in the business of oil or gas production, which, for the purpose of this article, includes the owning, controlling, managing, or leasing of any oil or gas property or oil or gas well, and producing in any manner any oil or gas by taking it from the soil or waters, or from beneath the soil or waters, of the state of Alabama, and further includes receiving money or other valuable consideration as royalty or rental for oil or gas produced or because of oil or gas produced, whether produced by him or by some other person on his behalf, either by lease, contract or otherwise, and whether the royalty consists of a portion of the oil or gas produced being run to his account or a payment in money or other valuable consideration.²

(9) **SUBMERGED LANDS.** All lands within the territorial jurisdiction of the State of Alabama that are continuously or intermittently influenced by marine or marine influenced water and are naturally subject to the ordinary ebb and flow of marine or marine influenced tides.

(10) **OFFSHORE DRILLING OR PRODUCTION FACILITIES.** Barges, platforms or other drilling or production facilities located on submerged lands to drill or to produce oil or gas.

(11) **OFFSHORE PRODUCTION.** Gas or oil produced from offshore drilling or production facilities from wells located on submerged lands within the territorial jurisdiction of the state of Alabama."

Section 2. Section 40-20-2, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-20-2.

(a) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the state of Alabama in the business of producing or severing oil or gas, as defined herein, from the soil or the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit or for use. The amount of such tax shall be measured at the rate of eight percent of the gross value of said oil or gas at the point of production: except as provided herein. All wells producing less than 10 20 barrels or less of oil per day or producing 200,000 cubic feet or less of gas per day shall be taxed at the rate of four percent of gross value of said oil or gas at the point of production; ; and all oil or gas produced by offshore production, as defined herein, at depths greater than 18,000 feet below mean sea level, shall be taxed at the rate of six percent of gross value of said oil or gas production at the point of production.

(b) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined or unmanufactured condition.

(c) A county, city, town or municipality of the state of Alabama shall

not establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing or transportation on any oil or gas produced in the state of Alabama and on which severance taxes have been paid to the state of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas, or upon the ownership, operation or maintenance of plants, facilities, machinery, pipelines, gathering lines or any equipment whatsoever, which are, or may be, necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal, not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax levied upon production other than offshore production as defined in Section 40-20-1 under the provisions of this article. Said limitation herein imposed upon counties, cities, towns and municipalities shall remain in full force and effect in regard to offshore production as defined in Section 40-20-1.

(d) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas. Provided, however, no such taxes or licenses shall be levied on offshore drilling or production facilities as defined in Section 40-20-1.

(e) In all cases of production of oil from unit operations as authorized and approved by the state oil and gas board of Alabama, for purposes of computing the per well production aforesaid, the aggregate production of oil from the entire unit shall be divided by the number of wells within the unit, including injection, disposal and other wells utilized in unit operations, and the quotient thereof shall be deemed and declared to be the number of barrels of oil produced from each well in such unit regardless of the actual amount of oil per day produced from the well, if any."

Section 3. Section 40-20-8, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-20-8.

(a) Ninety percent of the net amount of all taxes herein levied on oil or gas from offshore production as herein defined shall be collected by the department and deposited to the state general fund. The remaining ten percent of such net amount shall be allocated and distributed by the Comptroller to the county in which the oil or gas was produced for county purposes or to be expended at the discretion of the county governing body.

(a)(b) Twenty-five percent of the net amount of all taxes herein levied and collected by the department except as provided herein in subsection (a), after the same has been certified into the state treasury, shall be allocated and distributed deposited by the comptroller department to the credit of the general fund of the state.

(b)(c) Sixty-six and two-thirds percent of the remaining seventy-five

percent of all taxes herein levied and collected by the department, after the same has been certified into the state treasury, shall be allocated and distributed by the comptroller to the credit of the general fund of the state and to the county in which the oil or gas was produced and to the municipalities therein in the proportion set out in the following schedule:

(1) Twenty-five percent of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within any county, shall be allocated and distributed to each such county for county purposes or to be expended at the discretion of the county governing body. In all counties having a population of not less than 34,875 nor more than 36,000, according to the 1970 federal decennial census, such funds shall be allocated and distributed by the counties to the boards of education of the public schools in such counties on a pro rata basis as established by the number of children in net enrollment in the public schools during the prior school attendance year. In all counties having a population of not less than 16,000 nor more than 16,250 according to the 1970 federal decennial census, such funds shall be allocated and distributed by the counties as follows: Each year the first \$150,000.00 shall be paid to the custodian of the county school funds, and after the payment of said \$150,000.00 each year, the balance of said funds shall be divided and paid one-third to the custodian of the county school funds and two-thirds to the custodian of the county general funds.

(2) Ten percent of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within the corporate limits or the police jurisdiction of any municipality shall be allocated and distributed to each such municipality.

(3) Fifty percent of the first \$150,000.00 remaining, or any part thereof, collected per year under the provisions of this article, shall be allocated and distributed to the state, 42½ percent to the county and seven and one-half percent to municipalities therein on a population basis.

(4) Eighty-four percent of all additional remaining sums collected per year under the provisions of this article shall be allocated and distributed to the state, 14 percent to the county and two percent to municipalities therein on a population basis.

(e)(d) Sixteen and two-thirds percent of the remaining seventy-five percent of all taxes herein levied and collected by the department shall be certified into the state treasury to the credit of the state general fund.

(d)(e) Sixteen and two-thirds percent of the remaining seventy-five percent of all taxes herein levied and collected by the department on oil and gas produced from oil or gas wells located within any county shall be allocated and distributed to each such county for county purposes, to be expended at the discretion of the county governing body."

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective the first of the month following the month in which it is approved by the governor.

And the substitute was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, McMillan, McNair, Martin, Mathis, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Payne, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 1. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring that title to such property is vested in the State of Alabama.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

H. 26 RESUMED

AMENDMENT OFFERED

Rep. Box offered the following amendment to the bill, H. 26 as amended:

Amend H. B. 26 as substituted on page 2, lines 29 through 32 by striking them in their entirety and by inserting in lieu thereof the following:

“(9) Submerged Lands. All lands within the territorial jurisdiction of the State of Alabama that are continuously or intermittently covered by marine or marine influenced waters and are below the mean high tide mark on all islands and land adjacent to the Mississippi Sound, Mobile Bay, Bon Secour Bay, Wolf Bay, Arnica Bay, Bay La Launch and Perdido Bay; and excludes all areas upstream of the confluence of the Mississippi Sound, Mobile Bay, Wolf Bay and Perdido Bay with their natural tributaries.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Cosby, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Moore, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Rice, Rogers, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 26, as amended:

Amend House Bill 26 as Substituted on page 1 by striking the figure "20" as it appears on line 9 in the Synopsis and on line 22 in the Title and by inserting in lieu thereof the figure:

25

Further amend said Bill on page 3, line 13, by striking the figure "20" and inserting in lieu thereof the figure:

25 .

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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AMENDMENT OFFERED

Rep. Onderdonk offered the following amendment to the bill, H. 26 as amended:

Amend Substitute to House Bill 26, page 3, Section 2, Subsection (a), line 15, after the word "production" by inserting the following:

; all oil and gas production by wells other than oil and gas produced by offshore production, as defined herein, that come into production after Jan-

uary 1, 1984, shall be taxed at the rate of 6 percent of the gross value of said oil and gas at the point of production for a period of 5 years from the date production first begins.

AMENDMENT TABLED

On motion of Rep. Hammett, the amendment offered by Rep. Onderdonk to the bill, H. 26 as amended, was tabled.

Yeas 53; Nays 23.

Yeas:

Mr. Speaker, Albright, Biddle, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Burke, Buskey (John), Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Flowers, Fuller, Goodwin, Gray, Grayson, Grimsley, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Lindsey, Martin, Mathis, Mitchell, Nicholson, Parker, Perdue, Pratt, Preuitt, Rains, Rice, Rogers, Smith, Spratt, Starkey, Trammell, Turner, White (L) and Zoghby.

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Nays:

Reps. Adams, Beers, Blakeney, Carothers, Dutton, Gaston, Harper, Hooper, Johnson (R.G.), Kvalheim, Laird, Lauderdale, McMillan, Mikell, Onderdonk, Penry, Seibels, Starr, Turnham, Venable, Warren, White (F) and White (G).

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AMENDMENT OFFERED

Rep. Coburn offered the following amendment to the bill, H. 26 as amended:

Amend Substitute to House Bill 26, page 2, item (8), line 20, after the word "oil" by striking the word of and inserting in lieu thereof the word or

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim Laird, Lauderdale, McMillan, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 26. To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2 and

40-20-8, so as to provide for a definition of "submerged lands", "offshore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 25 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; to repeal conflicting laws; provide certain taxing limits on local government entities; and provide for an effective date.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Grouby would have voted "Yea" on the passage of the bill, H. 26, had he been present at the time of voting.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Parsons, Teague, and Corbett:

S. J. R. 43. COMMENDING MR. LECH WALESIA OF POLAND FOR BEING AWARDED THE NOBEL PEACE PRIZE.

Also:

By Senator Denton:

S. J. R. 44. ENDORSING THE PROCLAMATION OF JANUARY 1984 AS MEDICAL EYE MONTH.

Also:

By Senators Corbett, Parsons, Teague, Cooley, Bennett, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bishop, Cabaniss, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem,

Pearson, Sanders, Smith (B), Smith (J), and Strong:

S. J. R. 45. COMMENDING MR. BARNEY WEEKS UPON HIS RETIREMENT AS PRESIDENT OF THE ALABAMA LABOR COUNCIL, AFL-CIO.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 43, the title of which is set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 44 and S. J. R. 45, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carothers, the rules were suspended in order to take up out of order the bill, H. 3.

And the bill:

H. 3. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and or amphetamine like anorectic drug or compound and or any sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

Was taken up.

AMENDMENT OFFERED

Rep. White (L) offered the following amendment to the bill, H. 3:

In Section 2, page 3, line 13, after the word "registrant" insert the following additional underlined language:

who is a physician licensed to practice medicine in the state of Alabama

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Blakeney, Boles, Box, Browder, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Gray, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Nicholson, Parker, Payne, Penry, Perdue, Pratt, Reed, Rice, Rogers, Seibels, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill, H. 3, as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 2.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Blakeney, Boles, Brooks, Browder, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Gray, Grayson, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Martin, Mathis, Melton, Mikell, Nicholson, Payne, Penry, Perdue, Pratt, Preuitt, Reed, Rice, Rogers, Seibels, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, White (G), White (L) and Zoghby.

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Nays: Reps. Box and Marietta.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 3:

Mr. Speaker, Blake, Blakeney, Boles, Bugg, Burke, Clark (D), Clark (J), Cosby, Davis, Dutton, Escott, Flowers, Fuller, Gaston, Gray, Grimsley, Grouby, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, Mathis, Melton, Nicholson, Penry, Perdue, Pratt, Reed, Rice, Rogers, Seibels, Spratt, Starkey, Trammell, Turner, Warren, White (G) and Zoghby.

ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 6:00

o'clock p.m., Wednesday, December 14, 1983.

EIGHTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, December 14, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Paul E. Johnson, Pastor, First Congregational Christian Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Gray, Grayson, Grimsley, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

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A quorum was present.

MOTION TO SUSPEND RULES AND ADOPT REPORT
OF STANDING COMMITTEE ON RULES LOST

The motion offered by Rep. Clark (J) to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the seventh legislative day and to adopt the report of the Standing Committee on Rules, was lost, lacking a four-fifths vote.

Yeas 53; Nays 21.

Yeas:

Mr. Speaker, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Escott, Ford, Fuller, Gray, Grayson, Grimsley, Grouby, Harvey, Hettinger, Holley, Holmes, Johnson (Roy), Laird, Lauderdale, Lindsey, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk Parker, Poole, Pratt, Reed, Smith, Starkey, Tanner, Trammell, Venable and White (L).

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Nays:

Reps. Black, Buskey (James), Clark (W), Gaston, Harper, Kennedy, Kvalheim, McKee, McMillan, Marietta, Mathis, Mikell, Payne, Penry, Rice, Sasser, Seibels, Starr, Turner, White (G) and Zoghby.

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READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the seventh legislative day, and the reading commenced.

The reading at length of the Journal of the House of Representatives for the seventh legislative day having been completed, and on motion of Rep. Carothers, the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 75. CLARIFYING THE LEGISLATIVE INTENT WITH RESPECT TO THE DISTRIBUTION FORMULA FOR SEVERANCE TAX IN SECTION 40-2-8, CODE OF ALABAMA 1975.

Also:

H. J. R. 100. RECOGNIZING DECEMBER 7, AS PEARL HARBOR DAY.

Also:

H. J. R. 111. COMMENDING THE ESCAMBIA COUNTY HIGH SCHOOL BLUE DEVILS, STATE 3A FOOTBALL CHAMPIONS.

Also:

H. J. R. 112. COMMENDING THE REVEREND PETER JAMES KIRKSEY OF GREENE COUNTY, ALABAMA.

Also:

H. J. R. 114. DESIGNATING TUSCALOOSA, ALABAMA, AS THE OFFICIAL SITE OF THE ANNUAL ALABAMA STATE FIDDLE CHAMPIONSHIPS AND BLUE GRASS FESTIVAL.

Also:

H. J. R. 126. COMMENDING THE REVEREND HAROLD G. HERMETZ OF SAINT PAUL'S LUTHERAN CHURCH, CULLMAN, ALABAMA, FOR 25 YEARS OF OUTSTANDING SERVICE TO THE LUTHERAN MINISTRY.

Also:

H. J. R. 130. RELATING TO THE BINDING OF THE ACTS AND JOURNALS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 86. COMMENDING FORMER REPRESENTATIVE J. T. WAGGONER FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 87. COMMENDING FORMER REPRESENTATIVE DON MURPHY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 88. COMMENDING FORMER REPRESENTATIVE VAN SCOTT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 89. COMMENDING FORMER REPRESENTATIVE JARUSHIA THORNTON FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 90. COMMENDING FORMER REPRESENTATIVE ROBERT C. GAFFORD FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 93. COMMENDING MR. AND MRS. JAMES ALLEN JOHNSON ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 94. COMMENDING MR. AND MRS. RUFUS WHITE OF POLLARD, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 96. MOURNING THE DEATH OF MRS. CORNELIA McDUFFIE TURNER OF MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 117. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That House Bill 21, Act No. 83-576 of the 1983 Regular Session, which Act exempts diesel fuel used by agricultural equipment from sales tax, is hereby named the "Hall-

Mitchem Act".

McDOWELL LEE
Secretary.

LEAVE OF ABSENCE

At the request of Rep. Nicholson, leave of absence was granted for Rep. Richardson.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 75. CLARIFYING THE LEGISLATIVE INTENT WITH RESPECT TO THE DISTRIBUTION FORMULA FOR SEVERANCE TAX IN SECTION 40-20-8, CODE OF ALABAMA 1975.

Also:

H. J. R. 86. COMMENDING FORMER REPRESENTATIVE J. T. WAGGONER FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 87. COMMENDING FORMER REPRESENTATIVE DON MURPHY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 88. COMMENDING FORMER REPRESENTATIVE VAN SCOTT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 89. COMMENDING FORMER REPRESENTATIVE JARUSHIA THORNTON FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

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H. J. R. 93. COMMENDING MR. AND MRS. JAMES ALLEN JOHNSON ON THEIR 50TH WEDDING ANNIVERSARY.

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H. J. R. 94. COMMENDING MR. AND MRS. RUFUS WHITE OF POLLARD, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 96. MOURNING THE DEATH OF MRS. CORNELIA Mc-

DUFFIE TURNER OF MOBILE, ALABAMA.

Also:

H. J. R. 100. RECOGNIZING DECEMBER 7, AS PEARL HARBOR DAY.

Also:

H. J. R. 111. COMMENDING THE ESCAMBIA COUNTY HIGH SCHOOL BLUE DEVILS, STATE 3A FOOTBALL CHAMPIONS.

Also:

H. J. R. 112. COMMENDING THE REVEREND PETER JAMES KIRKSEY OF GREENE COUNTY, ALABAMA.

Also:

H. J. R. 114. DESIGNATING TUSCALOOSA, ALABAMA, AS THE OFFICIAL SITE OF THE ANNUAL ALABAMA STATE FIDDLE CHAMPIONSHIPS AND BLUE GRASS FESTIVAL.

Also:

H. J. R. 117. Naming the Hall-Mitchem Act.

Also:

H. J. R. 126. COMMENDING THE REVEREND HAROLD G. HERMETZ OF SAINT PAUL'S LUTHERAN CHURCH, CULLMAN, ALABAMA, FOR 25 YEARS OF OUTSTANDING SERVICE TO THE LUTHERAN MINISTRY.

Also:

H. J. R. 130. RELATING TO THE BINDING OF THE ACTS AND JOURNALS.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 54. STATING AND CLARIFYING LEGISLATIVE INTENT AND RECOMMENDING ACTION TO THE UNIVERSITY OF SOUTH ALABAMA BOARD OF TRUSTEES AND FOUNDATION.

WHEREAS, the Legislature of the State of Alabama is and has been faced with a serious problem involving a creature of the Legislature, that

being the University of South Alabama, and its claims to ownership of certain "tide lands" previously owned by the State of Alabama, and

WHEREAS, the Legislature of the State of Alabama, both houses concurring, feel that the sense of the Legislature should be expressed to the University of South Alabama, its board of trustees, and the University of South Alabama Foundation and its directors and/or trustees, along with the general public of the State of Alabama, and,

WHEREAS, the Legislature of the State of Alabama, both houses concurring, does hereby find and determine that the following facts;

The University of South Alabama is a public educational institution established and created by the Legislature of the State of Alabama, pursuant to the provisions of Acts 1963, 2nd Ex. Sess., No. 157 P. 350 (section 16-55-1, et seq., Code of Alabama, (1975)). It is principally supported by public funds appropriated by said Legislature. As such the University of South Alabama is a creature of the Legislature of the State of Alabama.

A. In approximately July, 1972, officials at the University of South Alabama (hereinafter referred to as the "University") approached officials of the Department of Conservation, of the State of Alabama, with regard to certain claims which the University wished to assert relating to a defunct ship channel across a small portion of Mobile Bay, commonly known as "Grant's Pass." The University claimed to own the land on the bottom of Mobile Bay, across which "Grant's Pass" once ran. Although this defunct channel known as "Grant's Pass" consisted of no more than five acres of land, the University claimed ownership of a total of 15,457 acres of "tide lands" beneath Mobile Bay.

B. By virtue of congressional action and decisions of the United States Supreme Court, the various states have historically owned lands beneath their navigable waters, and thus the State of Alabama owns the lands (tide lands) lying beneath Mobile Bay.

C. The circumstances out of which the University asserts ownership to the lands referred to as "Grant's Pass" is as follows:

In 1839 the Legislature of Alabama adopted Act No. 109, granting to one John Grant a franchise (license) to enter upon and take possession of sufficient tide lands as might be necessary to cut or excavate a channel of sufficient depth and width to afford good and safe passage for steamboats and other vessels in trade between Mobile Bay and other places on the Gulf of Mexico. This Act gave Grant the right to collect certain specified tolls on boats traveling through the channel. The franchise was for a period of 25 years during which Grant had exclusive rights and privileges of constructing and operating the channel, as described. The University alleges that following Grant's death in 1887, all of his property, including his interest in "Grant's Pass" was ordered sold by the probate court of Mobile County. It is alleged that this interest in Grant's Pass was thereafter conveyed by Mesne Conveyances until it was acquired by the University of South Alabama in 1974. This is contended even though John Grant never held title to this property nor was title ever claimed in or by John Grant. It is the University's further contention that John Grant and his successors possessed "Grant's Pass" adversely, so the University is now the owner of the channel, in fee simple, by virtue of adverse possession.

D. The director of the State Lands Division, Department of Conservation, concluded that the evidence relied upon to establish adverse possession of Grant's Pass, by John Grant and successors in interest, was insub-

stantial, and the claim was without merit. Further, the director of State Lands concluded that even if there were some arguable evidence to support the claim that Grant and his successors had acquired ownership rights of Grant's Pass by adverse possession, that the area comprised not more than 50 acres; that there was no creditable evidence whatsoever that Grant had ever claimed to own 15,457 acres of tide lands beneath Mobile Bay; and that the University of South Alabama's claim to own such acreage as the successor in interest to John Grant, bordered upon being frivolous. The opinion and recommendation of director of State Lands, in this respect, were communicated to the University of South Alabama, to the former Governor of this State, and to the Attorney General of this State.

E. That on or about December 13, 1982, Attorney General Graddick transmitted to the then Governor an opinion stating that "proof of adverse possession under color of title has been made to the satisfaction of the Attorney General. . . ." The tract of land described in this opinion consisted of 7,664 acres. It appears to the Legislature that there could be no apparent justification for finding adverse possession under color of title to only one half of the claimed 15,457 acres as opposed to the full tract claim. It also appears to the Legislature to be an impossibility for Grant's Pass which was apparently less than 50 acres in size to have been expanded into a claim to 7,664 acres or 15,457 acres. On the same date, that then Governor issued a patent granting the said 7,664 acres tract to the University, against the advice of the State Lands Division of the Department of Conservation.

F. On February 16, 1983, the University filed its complaint in the Circuit Court of Mobile County, Alabama, against the Commissioner of Conservation and the Director of State Lands seeking a declaratory judgement and a bill to quiet title, establishing its title to the aforesaid tide lands beneath Mobile Bay. The officials of the Conservation Department, joined by Governor George C. Wallace, as intervenor, filed their counterclaim for declaratory judgement to set aside the aforesaid patent to the University, upon the grounds, *inter alia*, that as a matter of law the State of Alabama had not lost title to the said lands; that the conveyance of the lands for no consideration is illegal and void; that the conveyance of the land was arbitrary, capricious and without any legal permissible basis; that under no reasonable construction of the applicable facts can it be legitimately concluded that the State had lost title by adverse possession of the said title lands; that the conveyance of the land to the University of South Alabama constituted an abuse of official discretion by the then Governor and the Attorney General; and that unless the conveyance is set aside, the State of Alabama and its citizens will be deprived of the use and benefit of this property, including the potentially large revenues from the exploration and production of oil, gas and other natural resources, and that the same will be diverted to the use of a single institution, in Mobile County, serving a relatively minor portion of the citizens of the State of Alabama. The original lawsuit was transferred to the Circuit Court of Montgomery County, Alabama, where it is still pending. Since commencing this original action, the University has filed two additional lawsuits in federal court attempting to validate the patent. The University thus is proceeding with three different items of litigation, incurring three different sets of attorneys' fees and, in fact, has secured representation of Honorable Griffin Bell former Attorney General of the United States, whose law firm and law practice is not normally in the State of Alabama. All of this at a tremendous expense to the citizens of the State of Alabama.

G. The 7,664 acres of submerged tide lands deeded to the University lies within the lower Mobile Bay gas field. Experts in oil and gas exploration

have estimated that the lower Mobile Bay gas field contains at least 600,000,000,000 cubic feet of natural gas. If only a 10 percent fraction of that gas lies under the lands allegedly given to the University of South Alabama, it could have a potential value in excess of \$300,000,000. During 1981 major oil companies leased from the State of Alabama the right to explore for oil and natural gas in parts of lower Mobile Bay, Mississippi Sound, and the Gulf of Mexico. Pursuant to competitive lease bids, these companies paid the State of Alabama approximately \$450,000,000 plus guaranteed royalty interests of not less than 25 percent, on future production. All of the land producing these revenues lies within a 12 mile radius of the lands allegedly given to the University of South Alabama. The lands allegedly given to the University of South Alabama constitute what has been described as the most valuable potential oil and gas area still unleased within Alabama waters.

H. On July 11, 1983, while the aforesaid action was still pending, the University executed a deed, attempting to convey the subject property to a corporation known as "University of South Alabama Foundation" (hereinafter referred to as the "Foundation"). The articles of incorporation of the Foundation, recorded in the Office of the Judge of Probate of Mobile County, Alabama, require that the board of directors of the foundation shall consist of the President of the University, the Vice Chairman of the University's board of trustees, and three members of the University's board of trustees. The corporate purpose reflects that the reason for the existence of the Foundation is to provide financial support and other benefits for the University of South Alabama. The articles of incorporation further provide that the Foundation is prohibited from adopting or carrying out any policy or principle in the administration of the Foundation which shall be deemed undesirable by the President of the University of South Alabama. The deed of July 11, 1983, by which the University deeded to the Foundation, its claim to the subject property, recites that the conveyance to use the net returns from the land for the general benefit of the University of South Alabama.

I. The Legislature acknowledges that it is not within the province of the Legislature, but instead within the province of the judiciary only, to resolve the legal questions presented by the foregoing circumstances. However, the Legislature has determined that it is the duty and responsibility of the Legislature to establish policies and to take action, pursuant to which taxpayers' funds are to be allocated, and to determine the amounts of public funds to be provided to various state educational institutions, based upon their needs and other circumstances. The Legislature also finds that it is the duty and responsibility of the Legislature to manage and supervise all state entities within its control in a fashion to best benefit the state and its citizens as a whole, and

WHEREAS, the Legislature deems that it is ultimately responsible to all of the citizens of the State of Alabama to ensure reasonable, responsible, fair, and equitable management of all state resources for the purpose of meeting all of the Legislature's responsibilities to the entire state and all of its citizens,

NOW, THEREFORE, based upon these facts and considerations, and for other related considerations,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we find and instruct as follows;

1. That the University of South Alabama is a creature of the Legisla-

ture of the State of Alabama and as such is responsible to the Legislature in all respects, including both its board of trustees, and the University of South Alabama Foundation.

2. That the tide lands of the State of Alabama cannot be adversely possessed and that no person, firm, or corporation can gain title to said lands by adverse possession.

3. That the tide lands of the State of Alabama belong exclusively to all citizens of the State of Alabama.

4. That the actions of the University of South Alabama through its board of trustees and through its University of South Alabama Foundation board of directors, in refusing to transfer subject property back to the State of Alabama, is an irresponsible and improper action and, future failures to act responsibly in this regard will be considered as an insult to the legislative and executive branches of state government.

5. That the actions of the administration and board of trustees of the University of South Alabama has had and is having a divisive effect on the State of Alabama and is causing unnecessary conflict among citizens and areas of this state.

6. That the actions of the University of South Alabama's administration and board of trustees is unreasonably costing the taxpayers of this state tremendous amounts of attorneys' fees and litigation expenses which the state can ill-afford in normal economic times much less in times when so many individuals of this state are suffering as a result of poor economic conditions.

7. That if, in fact, the subject lands are valuable to the extent estimated by the experts, that the profits and proceeds from these tide lands should be used by the Legislature of the State of Alabama to solve financial problems of this state through all parts of the state and to many different state entities, including education, highways, medicaid, mental health, corrections, pensions and security, and many other legitimate state purposes.

8. That the use of these funds by the Legislature, to meet needs of the entire state will likely avoid the necessity of additional taxes being placed upon the citizens of this state.

9. The intent of this Legislature is clearly expressed by the passage of S. B. 1, which was, among other things intended to be an expression of the "sense of the Legislature" on this point.

10. That no creature of state government should nor will be allowed to act independently and in opposition to the wishes of the Legislature of the State of Alabama.

11. That the Legislature directs and instructs the University of South Alabama, its administration, its board of trustees, and the board of directors of the University of South Alabama to immediately and without further delay take all actions which might be required, to transfer any and all title and claims to title which they may hold, or claim to hold, back to the State of Alabama, and to end all of this unreasonable unnecessary litigation expense and divisiveness which this matter has caused.

BE IT FURTHER RESOLVED, That the Legislature of the State of Alabama will consider it as an extreme act of irresponsibility and an affront to both the legislative and executive branches of government if immediate action is not taken to carry out the obvious wishes of the Legislature with

regard to these problems and the Legislature will closely review this matter at the next session of the Legislature or the next general session of the Legislature and will take whatever action it deems appropriate at such time, should the University of South Alabama, its administration, trustees, and the board of directors of the University of South Alabama Foundation fail to act responsively to these instructions herein contained.

McDOWELL LEE,
Secretary.

The resolution, S. J. R. 54, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 13. The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Johnson (Roy) offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 13, said Senate amendment being as follows:

Amend substitute, as amended, for House Bill 13 as amended, at the end of Section 6 by adding a new subparagraph (g) as follows:

“(g) Any person desiring to appeal under Section 40-2-22 Code of Alabama 1975, from any final assessment made by the department of revenue may do so by following the procedures outlined therein with the following exception: if a person can show to the satisfaction of the clerk of the circuit court to which the appeal is taken that he has a total gross net worth of \$20,000 or less including his homestead, then said person may take such appeal without either paying the tax in full or posting a supersedeas bond in twice the amount of such final assessment.”

Amend substitute, as amended, for H. B. 13, page 13, at the end of Section 6, by adding a new subsection (f) to read as follows:

“(f) Provided that the powers conferred on the Commissioner of Revenue, or his duly authorized representatives, by this Section shall not be

effective until 60 days after receipt by the Sheriff of a writ of execution issued by the Revenue Department under Section 40-2-11(17), Code of Alabama 1975."

Amend Substitute, as amended, for House Bill 13, Sections 3, Page 3, by adding the following additional paragraph:

"If the taxpayer shall file with the Department of Revenue a bond in double the amount of the lien filed, with surety or sureties to be either a surety company authorized to do business in Alabama or such individual property owners, not less than three in number, as are recommended by the judge of probate of the county in which the notice of lien is recorded, conditioned to pay all such tax, interest penalty, additional amount or addition to such tax, together with any costs which may occur in addition thereto as may be assessed against the taxpayer, principal in said bond, the Commissioner of Revenue or his delegate, shall withdraw and release said lien filed under the provisions of this section, and upon a determination that the said taxpayer owes any of said taxes to the state, the assessment (judgment) therefor shall be entered against said taxpayer and the surety or sureties on said bond; and, if not paid within 30 days from the date of said final assessment (judgment), then execution shall issue therefor against said principal and the surety or sureties on said bond. If the bond hereinabove provided for is not given and approved by the said Commission, and a final assessment (judgment) is entered against said taxpayer and he duly and legally appeals therefrom within the time and in the manner provided for by this title, and the clerk or register of the court to which the appeal has been taken duly and legally approves the bond required by Section 40-2-22 or the said taxpayer against whom the said assessment was entered by the State Department of Revenue shall, within 30 days from the date of said assessment, pay the amount thereof to the state, then, in either of said events, the Commissioner of Revenue shall cancel or release from record said lien."

Amend substitute, as amended, for House Bill 13, on page 23, line 31, by deleting sub-paragraph (3) in its entirety and inserting in lieu thereof the following:

"(3) an amount of money equal to the fair market value of the property levied upon the reasonable cost of a judicial determination of the existence of a wrongful levy."

Amend substitute, as amended, for House Bill 13, on page 27, line 14, by deleting the word "equal" and inserting in lieu thereof the word "up"

Amend substitute, as amended, for House Bill 13, page 32, line 14, by changing the comma following the word "both" to a period and deleting the remainder of this paragraph.

Further amend substitute, as amended, for House Bill 13, page 32, line 26, by changing the comma following the word "both" to a period and deleting the remainder of this paragraph.

Further amend substitute, as amended, for House Bill 13, page 34, line 33, by changing the comma following the word "both" to a period and deleting the remainder of the paragraph.

Further amend substitute, as amended, for House Bill 13, page 35, line 26, by changing the comma following the word "both" to a period and deleting the remainder of the paragraph.

Amend substitute, as amended, for House Bill 13, on page 15, line 11, after the word "officer" by deleting the words "or employee".

Further amend substitute, as amended, for House Bill 13, on page 15, line 12, after the word "member" by deleting the words "or employee".

Further amend substitute, as amended, for House Bill 13, on page 15, line 13, by deleting the word "employee" and the comma immediately following.

Further amend substitute, as amended, for House Bill 13, on page 26, line 36, after the word "officer" by deleting the words "or employee".

Further amend substitute, as amended, for House Bill 13, on page 26, line 37, after the word "member" by deleting the words "or employee".

Further amend substitute, as amended, for House Bill 13, on page 26, line 38, by deleting the word "employee" and the comma immediately following.

Amend substitute as amended, for House Bill 13, on page 14, line 25, after the word "the" by deleting the number "50" and inserting therein the number "10".

Further amend substitute to House Bill 13, as amended, on page 14, line 33, after the word "to" by deleting the number "50" and inserting therein the number "10".

Amend substitute for House Bill 13, on page 16, line 29 by deleting the following language: "by special order of the Commissioner or his delegate" and by inserting therein the following language:

"where property is owned in two or more counties the Commissioner or his delegate may determine in which of the counties in which any of the property is located the sale shall be held."

SUBSTITUTE FOR HOUSE BILL 13

A BILL TO BE ENTITLED AN ACT

The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as the "Tax Enforcement and Compliance Act" or "TECA."

Section 2. Application - Intent - Conflicting provisions.

The provisions of this chapter shall apply to every public tax, license or

fee, and/or any penalty or interest payable thereon, levied under the provisions of any existing or hereafter enacted law which is codified in Title 40 or any other title and is collectible by the Commissioner of Revenue.

The purpose of this chapter is to supplement and clarify existing provisions of the general law relating to the enforcement and collection of taxes. The provisions of this chapter shall be complimentary and in addition to all other provisions of law. In the event of any conflict between the provisions of this chapter and those of any other specific statutory provisions contained in other chapters of Title 40, or of any other title, it is hereby declared to be the legislative intent that, to the extent such other specific provisions are inconsistent with or different from the provisions of this chapter, the provisions of this chapter shall prevail. It is the intent of the Legislature that no part of this Act shall be construed so as to supercede any due process requirements presently in effect under Title 40, Code of Alabama 1975.

SUBCHAPTER A COLLECTIONS

Section 3. Lien for Taxes.

If any person liable to pay any tax, other than ad valorem tax, neglects or refuses to pay the same, the amount (including any interest, additional amount, addition to tax, or assessable penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the State of Alabama upon all property and rights to property, whether real or personal, tangible or intangible, belonging to such person. The Department of Revenue shall give notice of lien to the taxpayer.

Section 4. Period of Lien.

Unless another date is specifically fixed by law, the lien imposed by Section 3 of this subchapter shall arise at the time the assessment list, return therefor or the payment thereof, whichever is prior, was due to have been filed with or made to the Revenue Department, and shall continue until the liability for the amount so assessed (or a judgment against the taxpayer arising out of such liability) is satisfied or becomes unenforceable by reason of lapse of time.

Section 5. Validity and priority against certain persons.

(a) Purchasers, holders of security interests, mechanic's lienors, and judgment lien creditors. - The lien imposed by Section 3 of this subchapter shall not be valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice thereof which meets the requirements of subsection (f) has been filed by the Commissioner of Revenue or his delegate, and shall not be perfected as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until the date such notice is filed.

(b) Protection for certain interest even though notice filed. - Even though notice of a lien imposed by Section 3 has been filed, such lien shall not be valid -

(1) Securities. - With respect to a security [as defined in subsection (g) (4)] -

(A) as against a purchaser of such security who at the time of purchase did not have actual notice or knowledge of the existence of such lien; and

(B) as against a holder of a security interest in such security who, at the time such interest came into existence, did not have actual notice or knowledge of the existence of such lien.

(2) Motor vehicles. - With respect to a motor vehicle [as defined in subsection (g) (3)], as against a purchaser of such motor vehicle, if -

(A) at the time of the purchase such purchaser did not have actual notice or knowledge of the existence of such lien, and

(B) before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

(3) Personal property purchased at retail. - With respect to tangible personal property purchased at retail, as against a purchaser in the ordinary course of the seller's trade or business, unless at the time of such purchase such purchaser intends such purchase to (or knows such purchase will) hinder, evade, or defeat the collection of any tax under this title.

(4) Personal property purchased in casual sale. - With respect to household goods, personal effects, or other tangible personal property purchased (not for resale) in a casual sale for less than \$250, as against the purchaser, but only if such purchaser does not have actual notice or knowledge (A) of the existence of such lien, or (B) that this sale is one of a series of sales.

(5) Personal property subject to possessory lien. - With respect to tangible personal property subject to a lien securing the reasonable price of the repair or improvement of such property, as against a holder of such a lien, if such holder is, and has been, continuously in possession of such property from the time such lien arose.

(6) Real property tax. - With respect to real property, as against a holder of a lien upon such property, if such lien is entitled to priority over security interests in such property which are prior in time, and such lien secures payment of ad valorem tax.

(7) Real property subject to a mechanic's lien for certain repairs and improvements. - With respect to real property subject to a lien for repair or improvement as against a mechanic's lienor but not to exceed \$5,000.

(8) Attorneys' liens. - With respect to a judgment or other amount in settlement of a claim or of a cause of action, as against an attorney who holds a lien upon or a contract enforceable against such judgment or amount, to the extent of his reasonable compensation for obtaining such judgment or procuring such settlement.

(9) Certain insurance contracts. - With respect to a life insurance, endowment, or annuity contract, as against the organization which is the insurer under such contract, at any time -

(A) before such organization had actual notice or knowledge of the existence of such lien; or

(B) after such organization had such notice or knowledge, with respect to advances required to be made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge.

(c) Protection for certain commercial transactions financing agreements, etc. -

(1) In general. - To the extent provided in this subsection, even though notice of a lien imposed by section 3 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing but which -

(A) is in qualified property covered by the terms of a written agreement entered into before tax lien filing and constituting -

(i) a commercial transactions financing agreement,

(ii) a real property construction or improvement financing agreement,
or

(iii) an obligatory disbursement agreement, and

(B) is protected against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(2) Commercial transactions financing agreement. - For purposes of this subsection -

(A) Definition. - The term "commercial transactions financing agreement" means an agreement (entered into by a person in the course of his trade or business) -

(i) to make loans to the taxpayer to be secured by commercial financing security acquired by the taxpayer in the ordinary course of his trade or business, or

(ii) to purchase commercial financing security (other than inventory) acquired by the taxpayer in the ordinary course of his trade or business;

but such an agreement shall be treated as coming within the term only to the extent that such loan or purchase is made before the 46th day after the date of tax lien filing or (if earlier) before the lender or purchaser had actual notice or knowledge of such tax lien filing.

(B) Limitation on qualified property. - The term "qualified property", when used with respect to a commercial transactions financing agreement, includes only commercial financing security acquired by the taxpayer before the 46th day after the date of tax lien filing.

(C) Commercial financing security defined. - The term "commercial financing security" means (i) paper of a kind ordinarily arising in commercial transactions, (ii) accounts receivable, (iii) mortgages on real property, and (iv) inventory.

(D) Purchaser treated as acquiring security interest. - A person who satisfies subparagraph (A) by reason of clause (ii) thereof shall be treated as having acquired a security interest in commercial financing security.

(3) Real property construction or improvement financing agreement. - For purposes of this subsection -

(A) Definition. - The term "real property construction or improvement financing agreement" means an agreement to make cash disbursements to finance -

(i) the construction or improvement of real property,

(ii) a contract to construct or improve real property, or

(iii) the raising or harvesting of a farm crop or the raising of livestock or other animals.

For purposes of clause (iii), the furnishing of goods and services shall be treated as the disbursement of cash.

(B) Limitation on qualified property. - The term "qualified property", when used with respect to a real property construction or improvement financing agreement, includes only -

(i) in the case of subparagraph (A) (i), the real property with respect to which the construction or improvement has been or is to be made,

(ii) in the case of subparagraph (A) (ii), the proceeds of the contract described therein, and

(iii) in the case of subparagraph (A) (iii), property subject to the lien imposed by Section 3 at the time of tax lien filing and the crop or the livestock or other animals referred to in subparagraph (A) (iii).

(4) Obligatory disbursement agreement. - For purposes of this subsection -

(A) Definition. - The term "obligatory disbursement agreement" means an agreement (entered into by a person in the course of his trade or business) to make disbursements, but such an agreement shall be treated as coming within the term only to the extent of disbursements which are required to be made by reason of the intervention of the rights of a person other than the taxpayer.

(B) Limitation on qualified property. - The term "qualified property", when used with respect to an obligatory disbursement agreement, means property subject to the lien imposed by Section 3 at the time of tax lien filing and [to the extent that the acquisition is directly traceable to the disbursements referred to in subparagraph (A)] property acquired by the taxpayer after tax lien filing.

(C) Special rules for surety agreements. - Where the obligatory disbursement agreement is an agreement ensuring the performance of a contract between the taxpayer and another person -

(i) the term "qualified property" shall be treated as also including the proceeds of the contract the performance of which was ensured, and

(ii) if the contract the performance of which was ensured was a contract to construct or improve real property, to produce goods, or to furnish services, the term "qualified property" shall be treated as also including any tangible personal property used by the taxpayer in the performance of such ensured contract.

(d) 45 day period for making disbursement. - Even though notice of a lien imposed by Section 3 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing by reason of disbursements made before the 46th day after the date of tax lien filing, or (if earlier) before the person making such disbursements had actual notice or knowledge of tax lien filing, but only if such security interest -

(1) is in property (A) subject at the time of tax lien filing, to the lien imposed by Section 3, and (B) covered by the terms of a written agreement entered into before tax lien filing, and

(2) is protected against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(e) Priority of interest and expenses. - If the lien imposed by Section 3 is not valid as against a lien or security interest, the priority of such lien or security interest shall extend to -

- (1) any interest or carrying charges upon the obligation secured,
- (2) the reasonable charges and expenses of an indenture trustee or agent holding the security interest for the benefit of the holder of the security interest,
- (3) the reasonable expenses, including reasonable compensation for attorneys, actually incurred in collecting or enforcing the obligation secured,
- (4) the reasonable costs of insuring, preserving, or repairing the property to which the lien or security interest relates,
- (5) the reasonable costs of insuring payment of the obligation secured, and
- (6) amounts paid to satisfy any lien on the property to which the lien or security interest relates, but only if the lien so satisfied is entitled to priority over the lien imposed by Section 3, to the extent that any such item has the same priority as the lien or security interest to which it relates.

(f) Place for filing; form. -

(1) Place for filing. - The notice referred to in subsection (a) shall be filed

(A) Real property. - In the case of real property, in the probate office of the county in which the property subject to the lien is situated; and

(B) Personal property. - In the case of personal property, whether tangible or intangible, in the office (i) in which a financing statement would be filed to perfect a security interest with respect to such property pursuant to the Alabama Uniform Commercial Code, or (ii) of the Secretary of State, if a financing statement would not be required to be filed to perfect a security interest with respect to such property; provided, however, if the property is a motor vehicle (as defined under sub-section (g) (3) of Section 5), the tax lien shall be perfected in the same manner as a security interest is required to be perfected with respect to such motor vehicle. Such notice shall be effective as to any third party only when properly included by name in the index of such financing statements available for public inspection, and shall not be effective against a third party who relies upon a certification of such filings obtained in the manner provided in Section 7-9-407 of the Code of Alabama 1975 if such notice is omitted from the certification. Each filing officer shall reflect such notices in any certificate provided pursuant to Section 7-9-407.

(2) Form. - The form and content of the notice referred to in subsection (a) shall be prescribed by the Commissioner of Revenue or his delegate. Such notice shall be valid notwithstanding any other provision of law regarding the form or content of a notice of lien.

(g) Definitions. - For purposes of this section

(1) Security interest. - the term "security interest" means any interest in property acquired by contract for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability. A security interest exists at any time (A) if, at such time, the property is in existence and the interest has become protected against a subsequent judgment lien arising out of an unsecured obligation, and (B) to the extent that,

at such time, the holder has parted with money or money's worth.

(2) **Mechanic's lienor.** - The term "mechanics lienor" means any person who has a lien on real property (or on the proceeds of a contract relating to real property) for services, labor, or materials furnished in connection with the construction or improvement of such property. For purposes of the preceding sentence, a person has a lien on the earliest date such lien becomes valid against subsequent purchasers without actual notice, but not before he begins to furnish the services, labor, or materials.

(3) **Motor vehicle.** - The term "motor vehicle" means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.

(4) **Security.** - The term "security" means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by a corporation or a government or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(5) **Tax lien filing.** - The term "tax lien filing" means the filing of notice (referred to in subsection (a)) of the lien imposed by Section 3.

(6) **Purchaser.** - The term "purchaser" means a person who, for adequate and full consideration in money or money's worth, acquires an interest (other than a lien or security interest) in property which is valid against subsequent purchasers without actual notice. In applying the preceding sentence for purposes of subsection (a) of this section -

- (A) a lease of property,
- (B) a written executory contract to purchase or lease property,
- (C) an option to purchase or lease property or any interest therein, or
- (D) an option to renew or extend a lease of property, which is not a lien or security interest shall be treated as an interest in property.

(i) **Special rules.** -

(1) **Actual notice or knowledge.** - For purposes of this subchapter, an organization shall be deemed for purposes of a particular transaction to have actual notice or knowledge of any fact from the time such fact is brought to the attention of the individual conducting such transaction, and in any event for the time such fact would have been brought to such individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routine. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(2) **Subrogation.** - Where one person is subrogated to the rights of another with respect to a lien or interest, such person shall be subrogated to such rights for purposes of any lien imposed by Section 3.

(3) **Disclosure of amount of outstanding lien.** - If a notice of lien has been filed pursuant to subsection (f), the Commissioner or his delegate is

authorized to provide by regulations the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by the lien may be disclosed.

Section 6. Levy and distraint.

(a) Authority of Commissioner or delegate. - If any person liable to pay any final assessment of tax neglects or refuses to pay the same within 30 days after notice and demand, it shall be lawful for the Commissioner of Revenue or his delegate to collect such tax (and such further sum as shall be sufficient to cover the expenses of the levy) by levy upon all property and rights to property belonging to such person or on which there is a lien provided in this chapter for the payment of such tax. If the Commissioner of Revenue or his delegate makes a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the Commissioner of Revenue or his delegate and, upon failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the 30-day period provided in this section. The Commissioner of Revenue or his delegate shall procure a temporary restraining order from the appropriate Circuit Court of Alabama prior to a jeopardy levy for which said court may order the taxpayer restrained from disposing of any assets or otherwise provide for other means to insure collection of the tax liability.

(b) Seizure and sale of property. - The term "levy" as used in this title includes the power of distraint and seizure by any lawful means. Except as otherwise provided in subsection (d)(3), a levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the Commissioner of Revenue may levy upon property or rights to property, he may seize and sell such property or rights to property (whether real or personal, tangible or intangible), as prescribed by law.

(c) Successive seizures. - Whenever any property or right to property upon which levy has been made by virtue of subsection (a) is not sufficient to satisfy the claim of the State of Alabama for which levy is made, the Commissioner of Revenue or his delegate may, thereafter, and as often as may be necessary, proceed to levy in like manner upon any other property liable to levy of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid.

(d) Requirement of notice before levy.

(1) In general. - Levy may be made under subsection (a) upon the salary or wages or other property of any person with respect to any unpaid tax only after the Commissioner of Revenue has notified such person in writing of his intention to make such levy.

(2) 30-day requirement. — The notice required under paragraph (1) shall be served in any one of the following methods

(A) given in person.

(B) left at the dwelling or usual place of business of such person, or

(C) sent by certified or registered mail to such person's last known address,

no less than 30 days before the day of the levy.

(3) Jeopardy. - Paragraph (1) shall not apply to a levy if the Commissioner of Revenue has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy.

(e) Continuing levy on salary and wages. -

(1) Effect of levy. - The effect of a levy on salary or wages payable to or received by a taxpayer shall be continuous from the date such levy is first made until the liability out of which such levy arose is satisfied; provided, however, that no such levy made shall be more than 25% of the total wages or salary due the taxpayer.

(2) Release and notice of release. - With respect to a levy described in paragraph (1), the Commissioner of Revenue shall within ten (10) days release the levy when the liability out of which such levy arose is satisfied and shall promptly notify the person upon whom such levy was made that such levy has been released.

Section 7. Surrender of property subject to levy.

(a) Requirement. - Exception as otherwise provided in subsection (b), any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made shall, upon demand of the Commissioner of Revenue or his delegate, surrender such property or rights (or discharge such obligation) to the Commissioner of Revenue or his delegate, except such part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) Enforcement of levy. -

(1) Extent of personal liability. - Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the Commissioner of Revenue, shall be liable in his own person and estate to the State of Alabama in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the collection of which such levy has been made, together with costs and interest on such sum at an annual rate established by law from the date of such levy [or, in the case of a levy described in Section 6(d)(3), from the date such person would otherwise have been obligated to pay over such amounts to the taxpayer]. Any amount (other than costs and the 50% penalty provided in subparagraph 2 below) recovered under this paragraph shall be credited against the tax liability for the collection of which such levy was made.

(2) Penalty for violation. - In addition to the personal liability imposed by paragraph (1), if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property without reasonable cause, such person shall be liable for a penalty equal to 50 percent of the amount recoverable from the property under his control. No part of such penalty shall be credited against the tax liability for the liability of which such levy was made.

(c) Effect of honoring levy. - Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the Commissioner of Revenue or his delegate, surrenders such property or rights to property (or discharges such obligation) to the Commissioner of Revenue or his delegate, or who pays a liability under subsection (b)(1), shall be discharged from any obligation or liability to the delinquent taxpayer with respect to such property or rights to property arising from such surrender or payment.

(d) Person defined. - The term "person" as used in subsection (a) includes an officer or employee of a corporation or a member or employee of a

partnership, who as such officer, employee, or member is under a duty to surrender the property or rights to property, or to discharge the obligation.

Section 8. Production of books.

If a levy has been made on any property, or right to property, any person having custody or control of any books or records containing evidence or statements relating to the property or rights to property subject to levy, shall, upon demand of the Commissioner of Revenue or his delegate, exhibit such books or records to the Commissioner of Revenue or his delegate.

Section 9. Sale of seized property.

(a) Notice of seizure. - As soon as practicable after seizure of property, notice in writing shall be given by the Commissioner of Revenue or his delegate to the owner of the property (or, in the case of personal property, the possessor thereof), or shall be left at his usual place of abode or business. If the owner cannot be readily located, or has no dwelling or place of business within the state, the notice may be mailed to his last known address. Such notice shall specify the sum demanded and shall contain, in the case of real property, a description with reasonable certainty of the property seized.

(b) Notice of sale. - The Commissioner or his delegate shall as soon as practicable after the seizure of the property give notice to the owner, in the manner prescribed in subsection (a), and shall cause a notification to be published in some newspaper published or generally circulated within the county wherein such seizure is made, or if there be no newspaper published or generally circulated in such county, shall post such notice at the post office nearest the place where the seizure is made, and in not less than two other public places. Such notice shall specify the property to be sold, including both a legal description and a readily understandable layman's description, and the time, place, manner, and conditions of the sale thereof. Whenever levy is made without regard to the 30-day notice period, public notice of sale of the property seized shall be made within such 30-day period unless Section 10 (relating to sale of perishable goods) is applicable.

(c) Sale of indivisible property. - If any property liable to levy is not divisible, so as to enable the Commissioner or his delegate by sale of a part thereof to raise the whole amount of the tax and expenses, the whole of such property shall be sold. Such indivisible property shall include only property in which the taxpayer has controlling interest in and may not include property wherein the taxpayer may share in ownership with other persons.

(d) Time and place of sale. - The time of sale shall not be less than 30 days nor more than 60 days from the time of giving public notice under subsection (b). The place of sale shall be within the county in which the property is seized, except by special order of the Commissioner or his delegate.

(e) Manner and conditions of sale. -

(1) Minimum price. - Before the sale the Commissioner or his delegate may determine a minimum price for which the property shall be sold, and if such minimum price is determined, and if no person offers for such property at the sale the amount of the minimum price, the property shall be declared to be purchased at such price for the State of Alabama; otherwise the property shall be declared to be sold to the highest bidder.

(2) Additional Rules Applicable to Sale. - The Commissioner or his delegate shall by regulations prescribe the manner and other conditions of

the sale of property seized by levy. If one or more alternative methods or conditions are permitted by regulations, the Commissioner or his delegate shall select the alternatives applicable to the sale. Such regulations shall provide:

- (A) That the sale shall not be conducted in any manner other than -
 - (i) by public auction, or
 - (ii) by public sale under sealed bids.
 - (B) In the case of the seizure of several items of property, whether such items shall be offered separately, in groups, or in the aggregate; and whether such property shall be offered both separately (or in groups) and in the aggregate, and sold under whichever method produces the highest aggregate amount.
 - (C) Whether the announcement of the minimum price determined by the Commissioner or his delegate may be delayed until the receipt of the highest bid.
 - (D) Whether payment in full shall be required at the time of acceptance of a bid, or whether a part of such payment may be deferred for such period (not to exceed 1 month) as may be determined by the Commissioner or his delegate to be appropriate.
 - (E) The extent to which methods (including advertising) in addition to those prescribed in subsection (b) may be used in giving notice of the sale.
 - (F) Under what circumstances the Commissioner or his delegate may adjourn the sale from time to time (but such adjournments shall not be for a period to exceed in all 1 month).
- (3) Payment of amount bid. - If payment in full is required at the time of acceptance of a bid and is not then and there paid, the Commissioner or his delegate shall forthwith proceed to again sell the property in the manner provided in this subsection. If the conditions of the sale permit part of the payment to be deferred, and if such part is not paid within the prescribed period, suit may be instituted against the purchaser for the purchase price or such part thereof as has not been paid, together with interest at the rate applicable to liabilities due the Revenue Department from the date of the sale; or, in the discretion of the Commissioner or his delegate, the sale may be declared to be null and void for failure to make full payment of the purchase price and the property may again be advertised and sold as provided in subsections (b) and (c) of this subsection. In the event of such readvertisement and sale any new purchaser shall receive such property or rights to property free and clear of any claim or right of the former defaulting purchaser, of any nature whatsoever, and the amount paid upon the bid price by such defaulting purchaser shall be forfeited.

Section 10. Sale of perishable goods.

If the Commissioner or his delegate determines that any property seized is liable to perish or become greatly reduced in price or value by keeping, or that such property cannot be kept without great expense, he shall appraise the value of such property and -

- (a) Return to owner. - If the owner of the property can be readily found, the Commissioner or his delegate shall give him notice of such determination of the appraised value of the property. The property shall be returned to the owner if, within such time as may be specified in the notice,

the owner -

(1) Pays to the Commissioner or his delegate an amount equal to the appraised value, or

(2) Gives bond in such form, with such sureties, and in such amount as the Commissioner or his delegate shall prescribe, to pay the appraised amount at such time as the Commissioner or his delegate determines to be appropriate in the circumstances.

(b) Immediate sale. - If the owner does not pay such amount or furnish such bond in accordance with this section, the Commissioner or his delegate may as soon as practicable make public sale of the property in accordance with such regulations or in such manner as may be prescribed by the Commissioner or his delegate.

Section 11. Redemption of property.

(a) Before sale. - Any person whose property has been levied upon hereunder or subject to execution under Section 40-2-11, Code of Alabama 1975, shall have the right to pay the amount due, together with the expenses of the proceeding, if any, to the Commissioner or his delegate at any time prior to the sale thereof, and upon such payment the Commissioner or his delegate shall restore such property to him, and all further proceedings in connection with the levy on such property shall cease from the time of such payment.

(b) Redemption of real estate after sale. -

(1) Period. - The owners of any real property sold as provided in Section 9, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the property sold, or any particular tract of such property, at any time within one year after the sale thereof. Real property purchased by the state at said sale may be redeemed from the state at any time within one year after the sale thereof.

(2) Price. - Such property or tract of property shall be permitted to be redeemed upon payment to the purchaser, or in case he cannot be found in the county in which the property to be redeemed is situated, then to the Commissioner or his delegate, for the use of the purchaser, his heirs, or assigns, the amount paid by such purchaser and interest thereon at the current rate of interest per annum as last published and charged on delinquent taxes by the Internal Revenue Service. Where the state was purchaser, the tax liability must be paid in full in addition to the costs, penalties and interest in order to redeem.

(c) Record. - When any lands sold are redeemed as provided in this section, the Commissioner or his delegate shall cause entry of the fact to be made upon the record mentioned in Section 14, and such entry shall be evidence of such redemption.

(d) There may be no redemption of personal property.

Section 12. Certificate of sale; deed of real property.

(a) Certificate of sale. - In the case of personal property sold as provided in Section 9, the Commissioner or his delegate shall give to the purchaser a certificate of sale upon payment in full of the purchase price.

(b) Deed to real property. - In the case of any real property sold as provided in Section 9 and not redeemed in the manner and within the time

provided in section 11, the Commissioner or his delegate shall execute to the purchaser of such real property at such sale, upon his surrender of the certificate of sale, a deed of the real property so purchased by him, reciting the facts set forth in the certificate.

(c) Real property purchased by State of Alabama. - If real property is declared purchased by the State of Alabama at a sale pursuant to Section 9, the Commissioner or his delegate shall at the proper time execute a deed therefor, and without delay cause such deed to be duly recorded in the probate office of the county in which the property is located.

Section 13. Legal effect of certificate of sale of personal property and deed of real property.

(a) Certificate of sale of property other than real property. - In all cases of a sale of property (other than real property) pursuant to Section 9, the certificate of such sale -

(1) As evidence. - Shall be prima facie evidence of the right of the officer to make such sale, and conclusive evidence of the regularity of his proceedings in making the sale; and

(2) As conveyances. - Shall transfer to the purchaser all right, title, and interest of the party delinquent in and to the property sold; and

(3) As authority for transfer of corporate stock. - If such property consists of stocks, shall be notice when received, to any corporation, company, or association of such transfer, and shall be authority to such corporation, company, or association to record the transfer on its books and records in the same manner as if the stocks were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not; and

(4) As receipts. - If the subject of sale is securities or other evidences of debt, shall be a good and valid receipt to the person holding the same, as against any person holding or claiming to hold possession of such securities or other evidences of debt; and

(5) As authority for transfer of title to motor vehicle. - If such property consists of a motor vehicle, shall be notice, when received, to any public official charged with the registration of title to motor vehicles, of such transfer and shall be authority to such official to record the transfer on his books and records in the same manner as if the certificate of title to such motor vehicle were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not.

(b) Deed of real property. - In the case of the sale of real property pursuant to Section 9 -

(1) Deed as evidence. - The deed of sale given pursuant to Section 12 shall be prima facie evidence of the facts therein stated; and

(2) Deed as conveyance of title. - If the proceedings of the Commissioner or his delegate as set forth have been substantially in accordance with the provisions of law, such deed shall be considered and operate as a conveyance of all the right, title, and interest the party delinquent had in and to the real property thus sold at the time the lien of the State of Alabama attached thereto.

(c) Effect of junior encumbrances. - A certificate of sale of personal property given or a deed to real property executed pursuant to Section 12

shall discharge such property from all liens, encumbrances, and titles under which the lien of the State of Alabama with respect to which the levy was made had priority.

(d) Effect of senior encumbrances. - A certificate of sale of personal property given or a deed to real property does not discharge such property from liens, encumbrances, and titles senior to the lien of the State of Alabama.

Section 14. Records of sales to be kept.

The Commissioner or his delegate shall keep a record of all sales of real property sold under Section 9 and of redemptions of such property. The record shall set forth the tax for which the sale was made, the dates of seizure and sale, the amount of the expenses, the name of purchaser and the date of the deed. A deed to the State of Alabama by virtue of its purchase at the sale shall be promptly recorded in the Probate Office of the county or counties where the property is located.

Section 15. Expense of levy and sale.

The Commissioner or his delegate shall determine the expenses to be allowed in all cases of levy and sale, which expenses shall be actual expenses directly related to the sale. The fee for a professional auctioneer that may be employed at the discretion of the Commissioner or his delegate shall be considered an expense of the levy and sale.

Section 16. Application of proceeds of levy.

(a) Collection of liability. - Any money realized by proceedings under this subchapter (whether by seizure, by surrender under Section 7 [except pursuant to subsection (b)(2) thereof], or by sale of seized property) or by sale of property redeemed by the State of Alabama (if the interest of the State of Alabama in such property was a lien arising under the provisions of this title) shall be applied as follows:

(1) Expense of levy and sale. - First, against the expenses of the proceedings;

(2) Specific tax liability on seized property. - If the property seized and sold is subject to a tax imposed under this title which has not been paid, the amount remaining after applying paragraph (1) shall then be applied against such tax liability, including any penalty and interest, (and, if such tax was not previously assessed, it shall then be assessed);

(3) Liability of delinquent taxpayer. - The amount, if any, remaining after applying paragraphs (1) and (2) shall then be applied against the liability in respect of which the levy was made or the sale was conducted.

(b) Surplus proceeds. - Any surplus proceeds remaining after the application of subsection (a) shall be refunded by the Commissioner or his delegate to the person or persons legally entitled thereto.

Section 17. Authority to release levy and return property.

(a) Release of levy. - It shall be lawful for the Commissioner or his delegate to release the levy, and any liens, upon all or part of the property or rights to property levied upon where the Commissioner or his delegate, within their discretion, determines that such action will facilitate the collection of the liability or for other good reason that the levy shall be released, but such release shall not operate to prevent any subsequent levy.

(b) Return of property. - If the Commissioner determines that property has been wrongfully levied upon, it shall be lawful for the Commissioner to return -

- (1) the specific property levied upon,
- (2) an amount of money equal to the amount of money levied upon, or
- (3) an amount of money equal to the amount of money received by the State of Alabama from a sale of such property.

(c) Interest. - Interest shall be allowed and paid at an annual rate established by law -

(1) in a case described in subsection (b)(2), from the date the Commissioner receives the money to a date (to be determined by the Commissioner) preceding the date of return by not more than 30 days, or

(2) in a case described in subsection (b)(3), from the date of the sale of the property to a date (to be determined by the Commissioner) preceding the date of return by not more than 30 days.

SUBCHAPTER B

LIMITATIONS ON ASSESSMENT AND COLLECTION

Section 18. Limitations on assessment - Income Tax.

The three year limitation period set out in Section 40-18-45(a), Code of Alabama 1975, for making income tax assessments shall be suspended upon the entry of a preliminary assessment by the Revenue Department.

Section 19. Collection after assessment.

Length of period. - Where the assessment of any tax imposed by this title has been begun or made within the period of limitation properly applicable thereto, such tax may be collected by levy or by a proceeding in court, but only if the levy is made or the proceeding begun -

- (1) within 10 years after the final assessment of the tax, or
- (2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner or his delegate and the taxpayer before the expiration of such 10-year period (or, if there is a release of levy under Section 17 after such 10-year period, then before such release).

The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. The period provided by this subsection during which a tax may be collected by levy shall not be extended or curtailed by reason of a judgment against the taxpayer.

(b) Date when levy is considered made. - The date on which a levy on property or rights to property is made shall be the date on which the notice of seizure provided in Section 9 is given.

Section 20. Suspension of running of period of limitation.

(a) General rule. - The running of the period of limitations provided in Section 18 or 19 on the making of assessments or the collection by levy or a proceeding in court shall be suspended for the period during which the Commissioner is prohibited from making the assessment or from collecting by levy or a proceeding in court and for 60 days thereafter.

(b) Assets of taxpayer in control or custody of court. - The period of limitations on collection after assessment prescribed in Section 18 or 19 shall be suspended for the period the assets of the taxpayer are in the control or custody of the court in any proceeding before any court of the State of Alabama, and for 6 months thereafter.

(c) Taxpayer outside State of Alabama. - The running of the period of limitations on collection after assessment prescribed in Section 18 or 19 shall be suspended for the period during which the taxpayer is outside the State of Alabama if such period of absence is for a continuous period of at least 6 months. If the preceding sentence applies and at the time of the taxpayer's return to the State of Alabama the period of limitations on collection after assessment prescribed in Section 18 or 19 would expire before the expiration of 6 months from the date of his return, such period shall not expire before the expiration of such months.

(d) Cases under title 11 of the United States Code (Bankruptcy). - The running of the period of limitations provided in Section 18 or 19 on the making of assessments or collection shall, in a case under title 11 of the United States Code (Bankruptcy), be suspended for the period during which the Commissioner is prohibited by reason of such case from making the assessment or from collecting and -

- (1) for assessment, 6 months thereafter, and
- (2) for collection, 6 months thereafter.

SUBCHAPTER C

ADDITIONS TO TAX AND PENALTIES

Section 21. Bad checks.

If any check or money order in payment of any amount receivable under this title is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person who tendered such check, upon notice and demand by the Commissioner or his delegate, in the same manner as tax, an amount equal to 10 percent of the amount of such check, except that if the amount of such check is less than \$500, the penalty under this section shall be \$10 or the amount of such check, whichever is the lesser. This section shall not apply if the person tendered such check in good faith and with reasonable cause to believe that it would be duly paid, or settlement is made by the taxpayer within ten days after notification of receipt of a bad check by the Department.

Section 22. Automatic Refund.

Where the Department of Revenue determines that a taxpayer is entitled to a refund, the Department of Revenue shall automatically refund to that taxpayer the amount of any excess tax so paid to the State of Alabama; provided, however, that the statute of limitations provisions of the applicable tax law shall apply.

Section 23. Rules for application of assessable penalties.

(a) Penalty assessed as tax. - The penalties and liabilities provided by this subchapter shall be paid upon notice and demand by the Commissioner or his delegate, and shall be assessed and collected in the same manner as taxes. Except as otherwise provided, any reference in this title to "tax" imposed by this title shall be deemed also to refer to the penalties and liabilities provided by this subchapter.

(b) Person defined. - The term "person", as used in this subchapter, includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

Section 24. Failure to collect and pay over tax, or attempt to evade or defeat tax.

(a) General rule. - Any person required to collect, truthfully account for, and/or pay over any tax imposed by §§40-17-2, 40-17-220, 40-18-71, 40-21-82, 40-23-2, 40-23-61, 40-26-1, Code of Alabama 1975 and any other local sales, use, and gross receipts taxes collected by the State Department of Revenue who willfully fails to collect such tax, or truthfully account for, and/or pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable for a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over.

(b) Extension of period of collection where bond is filed.

(1) In general. - If, within 30 days after the day on which notice and demand of any penalty under subsection (a) is made against any person, such person -

(A) pays an amount which is not less than the minimum amount required to commence a proceeding in court with respect to his liability for such penalty.

(B) files a claim for refund of the amount so paid, and

(C) furnishes a bond which meets the requirements of paragraph (3), no levy or proceeding in court for the collection of the remainder of such penalty shall be made, begun, or prosecuted until a final resolution of a proceeding begun as provided in paragraph (2).

(2) Suit must be brought to determine liability for penalty. - If, within 30 days after the day on which his claim for refund with respect to any penalty under subsection (a) is denied, the person described in paragraph (1) fails to begin a proceeding in the appropriate court for the determination of his liability for such penalty; paragraph (1) shall cease to apply with respect to such penalty, effective on the day following the close of the 30-day period referred to in this paragraph.

(3) Bond. - The bond referred to in paragraph (1) shall be in such form and with such sureties as the Commissioner may by regulations prescribe and shall be in an amount equal to 1½ times the amount of excess of the penalty assessed over the payment described in paragraph (1).

(4) Suspension of running of period of limitations on collection. - The running of the period of limitations provided in section 18 on the collection by levy or by a proceeding in court in respect of any penalty described in paragraph (1) shall be suspended for the period during which the Commissioner is prohibited from collecting by levy or a proceeding in court.

(5) Jeopardy collection. - If the commissioner makes a finding that the collection of the penalty is in jeopardy, nothing in this subsection shall prevent the immediate collection of such penalty.

Section 25. Fraudulent statement or failure to furnish statement to employee.

In addition to the criminal penalty provided by Section 33, any person required under this title to furnish a statement to an employee who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required shall for each such failure be subject to a penalty under this subchapter of \$50.

Section 26. False information with respect to withholding.

(a) Civil Penalty. — In addition to any criminal penalty provided by law, if —

(1) any individual makes a statement under Section 40-18-73 which results in a decrease in the amounts deducted and withheld under Section 40-18-71, and

(2) as of the time such statement was made, there was no reasonable basis for such statement, such individual shall pay a penalty of \$500 for such statement.

(b) Exception. — The Commissioner may waive (in whole or in part) the penalty imposed under subsection (a) if the taxes imposed with respect to the individual under Chapter 18 of Title 40, Code of Alabama 1975 for the taxable year are equal to or less than the sum of —

(1) the credits against such taxes allowed by Sections 40-18-21, 40-18-120 and 40-18-121, and

(2) the payments of estimated tax which are considered payments on account of such taxes.

SUBCHAPTER D

JEOPARDY

Section 27. Jeopardy Assessment for Income Tax.

(a) If the Commissioner or his delegate finds that a taxpayer designs quickly to depart from the State of Alabama or to remove his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the income tax for the current or the preceding taxable year unless such proceedings be brought without delay, the Commissioner or his delegate shall declare the taxable period for such taxpayer immediately terminated, and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section, the finding of the Commissioner or his delegate, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of jeopardy.

(b) Reopening of taxable period. - Notwithstanding the termination of the taxable period of the taxpayer by the Commissioner or his delegate, as provided in subsection (a), the Commissioner or his delegate may reopen such taxable period each time the taxpayer is found by the Commissioner or his delegate to have received income, within the current taxable year, since a termination of the period under subsection (a). A taxable period so termi-

nated by the Commissioner or his delegate may be reopened by the taxpayer if he files with the Commissioner or his delegate a true and accurate return of the items of gross income and of the deductions and credits allowed under this title for such taxable period, together with such other information required under this title. If the taxpayer is a nonresident, the taxable period so terminated may be reopened by him if he files, or causes to be filed, with the Commissioner or his delegate a true and accurate return of his total income derived from all sources within the State of Alabama, in the manner prescribed in this title.

(c) Abatement if jeopardy does not exist. - The Commissioner or his delegate may abate the jeopardy assessment if he finds that jeopardy does not exist. The period of limitation on the making of assessments and levy or a proceeding in court for collection, in respect of any deficiency, shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the 10th day after the day on which such jeopardy assessment is abated.

(d) When a jeopardy assessment has been as provided in subsection (a), the collection of all or any part of such assessment may be stayed by filing with the Commissioner or his delegate an approved bond conditioned upon the payment of the assessment together with applicable interest and costs of collection. The Commissioner or his delegate shall have sole discretion to approve or disapprove the bond, but such approval shall not be unreasonably withheld.

(e) A final jeopardy assessment entered hereunder may be appealed to the appropriate circuit court of Alabama in the same manner as provided under §40-2-22, Code of Alabama 1975.

Section 28. Jeopardy Assessment - Other taxes.

(a) If the Commissioner or his delegate finds that a taxpayer designs quickly to depart from the State of Alabama or to remove his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect any tax imposed by Title 40 other than income tax, the Commissioner or his delegate may issue notice of such finding to the taxpayer by personal service or mailing to his/her last known address, together with a demand for immediate payment of the tax declared to be in jeopardy, including penalties and additions thereto and such tax, penalty, interest and additions thereto shall be immediately due and payable. A final assessment of such tax may be entered immediately and if the assessment is not paid upon such demand of the Commissioner or his delegate, the Commissioner or his delegate may forthwith issue a warrant for levy and distraint of any personal property of the taxpayer which shall be collected in the same manner and with like effect as provided under subchapter A of this Act.

(b) In the case of a tax for a current period, the Commissioner or his delegate may declare the taxable period of the taxpayer immediately terminated and may at his discretion estimate the tax liability based upon the best information obtainable. Notice of such finding and declaration shall be issued to the taxpayer in the same manner as in subsection (a).

(c) When a jeopardy assessment has been made as provided in subsection (a), the collection of all or any part of such assessment may be stayed by filing with the Commissioner or his delegate an approved bond conditioned upon the payment of the assessment together with applicable inter-

est and costs of collection. The Commissioner or his delegate shall have sole discretion to approve or disapprove the bond, but such approval shall not be unreasonably withheld.

(d) In any proceeding in court to contest the jeopardy assessment or to enforce payment of the taxes made due and payable by virtue of the provisions of this section, the finding of the Commissioner or his delegate, made as herein provided, shall be for all purposes presumptive evidence of jeopardy.

(e) A final jeopardy assessment entered hereunder may be appealed to the appropriate circuit court of Alabama in the same manner as provided under §40-2-22, Code of Alabama 1975.

SUBCHAPTER E CRIMES

Section 29. Attempt to evade or defeat tax.

Any person who willfully attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 5 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

Section 30. Willful failure to collect or pay over tax.

Any person required under this title to collect, account for, and pay over any tax imposed by this title who willfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

Section 31. Willful failure to file return, supply information, or pay tax.

Any person required under this title to pay any estimated tax or tax, or required by this title or by regulations made under authority thereof to make a return, (other than a return required under Section 40-18-82, Code of Alabama 1975), keep any records, or supply any information, who willfully fails to pay such estimated tax or tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$25,000 (\$100,000 in the case of a corporation), or imprisoned not more than 1 year, or both, together with the costs of prosecution. In the case of any person with respect to whom there is a failure to pay any estimated tax, this section shall not apply to such person with respect to such failure if there is no addition to tax under Section 40-18-80(d) and (e), Code of Alabama 1975, as amended, with respect to such failure.

Section 32. Fraudulent statement or failure to make statement to employees.

In lieu of any other penalty provided by law (except the penalty provided by Section 26) any person required under the provisions of Section

40-18-75, Code of Alabama 1975, to furnish a statement who willfully furnishes a false or fraudulent statement or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under Section 40-18-75, Code of Alabama 1975, or regulations prescribed thereunder, shall, for each such offense, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

Section 33. Fraudulent withholding exemption certificate or failure to supply information.

Any individual required to supply information to his employer under Section 40-18-73, Code of Alabama 1975, who willfully supplies false or fraudulent information, or who willfully fails to supply information thereunder which would require an increase in the tax to be withheld under Section 40-18-73, Code of Alabama 1975, shall, in lieu of any other penalty provided by law, upon conviction thereof, be fined not more than \$500, or imprisoned not more than 1 year, or both.

Section 34. Fraud and false statements.

Any person who -

(1) Declaration under penalties of perjury. - Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or

(2) Aid or assistance. - Willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the state revenue laws, of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document; or

(3) Fraudulent bonds, permits, and entries. - Simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of this title, or by any regulation made in pursuance thereof, or procures the same to be falsely or fraudulently executed, or advises, aids in, or connives at such execution thereof, or

(4) Removal or concealment with intent to defraud. - Removes, deposits, or conceals, or is concerned in removing, depositing, or concealing, any goods or commodities for or in respect whereof any tax is or shall be imposed, or any property upon which levy is authorized by Section 6, with intent to evade or defeat the assessment or collection of any tax imposed by this title;

shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 3 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

Section 35. Fraudulent returns, statements, or other documents.

Any person who willfully delivers or discloses to the Commissioner or his delegate any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both. Any person required pursuant to

this title to furnish any information to the Commissioner or his delegate who willfully furnishes to the Commissioner or his delegate any information known by him to be fraudulent or to be false or as to any material matter shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both.

Section 36. Failure to obey subpoena.

Any person who, being duly subpoenaed to appear to testify, or to appear and produce books, accounts, records, memoranda, or other papers, as required under Section 40-2-11(7) and (8), Code of Alabama 1975, or any other section in this title requiring the production of information, neglects or fails to appear without cause or to produce such books, accounts, records, memoranda, or other papers without cause, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both, together with costs of prosecution as determined and ordered distributed by the trial court.

Section 37. Attempts to interfere with administration of state revenue laws - Taxpayer protection from harassment.

(a) Corrupt or forcible interference. - Whoever corruptly or by force or threats of force (including any threatening letter or communication) endeavors to intimidate or impede any officer or employee of the State of Alabama acting in an official capacity under this title, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or endeavors to obstruct or impede, the due administration of this title, shall, upon conviction thereof, be fined not more than \$5,000, or imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person convicted thereof shall be fined not more than \$3,000, or imprisoned not more than 1 year, or both. The term "threats of force", as used in this subsection, means threats of bodily harm to the officer or employee of the State of Alabama or to a member of his family.

(b) Forcible rescue of seized property. - Any person who forcibly rescues or causes to be rescued any property after it shall have been seized under this title, or shall attempt or endeavor so to do, shall, excepting in cases otherwise provided for, for every such offense, be fined not more than \$500, or not more than double the value of the property so rescued, whichever is the greater, or be imprisoned not more than 2 years.

(c) Any employee of the State Revenue Department acting in an official capacity under the provisions of this title who by unlawful force or threats of force endeavors to intimidate or harass a taxpayer, upon determination by a special board to be appointed by the State Personnel Department that the charge is valid, shall be subject to immediate dismissal, and upon such dismissal may be subject to such penalties as provided under this section. The term "threats of force" as used in this subsection means threats of bodily harm to the taxpayer or to a member of his family.

Section 38. Period of limitation on criminal prosecutions.

No person shall be prosecuted, tried, or punished for any of the various offenses arising under the revenue laws unless the indictment is found or the prosecution instituted within 3 years next after the commission of the offense, except that the period of limitation shall be 6 years -

(1) for offenses involving the defrauding or attempting to defraud the State of Alabama or any agency thereof, whether by conspiracy or not, and

in any manner;

(2) for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof;

(3) for the offense of willfully aiding or assisting in, or procuring, counseling, or advising, the preparation or presentation under, or in connection with any matter arising under, the statute revenue laws, of a false or fraudulent return, affidavit, claim or document (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document);

(4) for the offense of willfully failing to pay any tax, or make any return at the time or times required by law or regulations;

(5) for offenses described in Section 34 and 35 (relating to false statements and fraudulent documents);

(6) for the offense described in Section 37 (relating to intimidation of officers and employees of the State of Alabama);

The time during which the person committing any of the various offenses arising under the revenue laws is outside the State of Alabama or is a fugitive from justice within the meaning of the State of Alabama Code, shall not be taken as any part of the time limited by law for the commencement of such proceedings.

Section 39. The Commissioner of Revenue will file a report in one year periods of the effective date of this Act for a period of five years that states the amount of additional tax money that was collected as the result of this Act. This report shall be delivered to each Legislator and each Constitutional officer.

Section 40. All laws or parts of laws which conflict with this Act are repealed.

Section 41. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 42. This Act shall become effective the first day of January, 1984.

McDOWELL LEE,
Secretary.

SUBSTITUTE MOTION TABLED

On motion of Rep. Johnson (Roy), the substitute motion offered by Rep. Sasser that the House non-concur in the Senate amendment to the bill, H. 13, was tabled.

Yeas 47; Nays 34.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bugg, Buskey (John), Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Fuller, Gray, Grayson, Harvey, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Reed, Rogers, Smith, Spratt, Starr and Zoghby.

Nays:

Reps. Beers, Biddle, Boles, Buskey (James), Butler, Carothers, Carter, Cosby, Faulk, Flowers, Gaston, Grimsley, Grouby, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, McKee, McMillan, Marietta, Mathis, Payne, Pratt, Preuitt, Rains, Rice, Sasser, Seibels, Starkey, Turnham, Venable, White (G) and White (L).

—34

The question was then on the motion offered by Rep. Johnson (Roy) that the House concur in and adopt the Senate amendment to the bill, H. 13.

SUBSTITUTE MOTION TABLED

On motion of Rep. Johnson (Roy), the substitute motion offered by Rep. Payne that the House non-concur in the Senate amendment to the bill, H. 13, and request a Committee on Conference be appointed to resolve the differences between the two Houses on the Senate amendment, was tabled.

Yeas 41; Nays 37.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bugg, Buskey (John), Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Escott, Fuller, Grayson, Harvey, Holley, Horn, Johnson (Roy), Kennedy, Lauderdale, Marietta, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Reed, Rogers, Spratt, Starr, Tanner and Zoghby.

—41

Nays:

Reps. Beers, Boles, Buskey (James), Butler, Carothers, Carter, Cosby, Faulk, Flowers, Gaston, Grimsley, Grouby, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, Mathis, Melton, Mikell, Payne, Poole, Pratt, Preuitt, Rains, Rice, Sasser, Seibels, Smith, Starkey, Turnham, Venable, White (G) and White (L).

—37

The question was then on the motion offered by Rep. Johnson (Roy) that the House concur in and adopt the Senate amendment to the bill, H. 13.

SUBSTITUTE MOTION TABLED

On motion of Rep. Johnson (Roy), the substitute motion offered by Rep. Payne that the bill, H. 13, and pending Senate amendment be postponed to the twelfth legislative day, was tabled.

Yeas 44; Nays 34.

Yeas:

Mr. Speaker, Albright, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bugg, Buskey (John), Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Escott, Fuller, Gray, Grayson, Harvey, Holley, Horn, Johnson (Roy), Kennedy, Lauderdale, Marietta, Martin, Melton, Mitchell, Moore,

Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rogers, Smith, Spratt, Starr, Tanner and Zoghby.

—44

Nays:

Reps. Boles, Buskey (James), Butler, Carothers, Coleman, Cosby, Faulk, Flowers, Gaston, Grimsley, Grouby, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, Mathis, Mikell, Payne, Penry, Preuitt, Rains, Rice, Sasser, Seibels, Starkey, Turner, Turnham, Venable, White (G) and White (L).

—34

The question was again on the motion offered by Rep. Johnson (Roy) that the House concur in and adopt the Senate amendment to the bill, H. 13.

SUBSTITUTE MOTION TABLED

On motion of Rep. Johnson (Roy), the substitute motion offered by Rep. Payne that the bill, H. 13, and pending Senate amendment be postponed to the eleventh legislative day, was tabled.

Yeas 45; Nays 34.

Yeas:

Mr. Speaker, Albright, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bugg, Buskey (John), Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Escott, Fuller, Gray, Grayson, Harvey, Holley, Horn, Johnson (Roy), Kennedy, Lauderdale, Marietta, Martin, Melton, Mitchell, Moore, Newman Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Reed, Rogers, Smith, Spratt, Starr, Tanner and Zoghby.

—45

Nays:

Reps. Boles, Buskey (James), Butler, Carothers, Coleman, Cosby, Faulk, Flowers, Gaston, Grimsley, Grouby, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, Mathis, Mikell, Payne, Penry, Preuitt, Rains, Rice, Sasser, Seibels, Starkey, Turner, Turnham, Venable, White (G) and White (L).

—34

The question was again on the motion offered by Rep. Johnson (Roy) that the House concur in and adopt the Senate amendment to the bill, H. 13.

SUBSTITUTE MOTION TABLED

On motion of Rep. Johnson (Roy), the substitute motion offered by Rep. Venable that further consideration of the bill, H. 13 and pending Senate amendment, be postponed to 10:00 o'clock a.m., Thursday, December 15, 1983, was tabled.

Yeas 43; Nays 38.

Yeas:

Mr. Speaker, Albright, Black, Blake, Bowling, Brakefield, Brooks, Browder, Bugg, Burke, Buskey (John), Clark (D), Clark (J), Coburn, Coleman, Crow,

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Davis, Escott, Fuller, Gray, Grayson, Harvey, Hettinger, Holley, Horn, Johnson (Roy), Kennedy, Laird, Lauderdale, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Pratt, Reed, Smith, Spratt, Starr and Tanner.

—43

Nays:

Reps. Boles, Box, Buskey (James), Butler, Carothers, Carter, Clark (W), Cosby, Dutton, Faulk, Flowers, Gaston, Grimsley, Grouby, Harper, Hooper, Johnson (R.G.), Kvalheim, McKee, McMillan, McNair, Marietta, Mathis, Payne, Penry, Poole, Preuitt, Rains, Rice, Sasser, Seibels, Starkey, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—38

MOTION REMOVED FROM TABLE

On substitute motion of Rep. Carothers, the motion previously offered by Rep. Payne that the House non-concur in the Senate amendment to the bill, H. 13, and request a Committee on Conference be appointed to reconcile the differences between the two Houses on the Senate amendment, was removed from the table.

Yeas 40; Nays 39.

Yeas:

Reps. Black, Boles, Box, Buskey (James), Butler, Carothers, Carter, Clark (W), Cosby, Dutton, Faulk, Flowers, Gaston, Grimsley, Grouby, Harper, Hooper, Johnson (R.G.), Kvalheim, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Payne, Penry, Poole, Preuitt, Rains, Rice, Sasser, Seibels, Starkey, Starr, Turner, Turnham, Venable, White (G) and White (L).

—40

Nays:

Mr. Speaker, Albright, Blake, Bowling, Brakefield, Brooks, Browder, Bugg, Buskey (John), Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Escott, Fuller, Gray, Grayson, Harvey, Hettinger, Holley, Horn, Johnson (Roy), Kennedy, Lauderdale, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Pratt, Reed, Smith, Spratt, Tanner and Zoghby.

—39

The question was then on the motion previously offered by Rep. Payne that the House non-concur in the Senate amendment to the bill, H. 13, and request a Committee on Conference be appointed to reconcile the differences between the two Houses on the Senate amendment, and the motion was adopted.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Gray, Grayson, Grimsley, Grouby, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore,

Newman, Nicholson, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—81

Nay: Rep. Horn.

—1

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House Reps. Bowling, Venable and Johnson (Roy).

MOTION TO ADJOURN

Rep. Buskey (James) offered the motion that the House adjourn until 12:00 o'clock noon, Thursday, December 15, 1983.

SUBSTITUTE MOTION OFFERED

Rep. Johnson (Roy) offered the substitute motion that the House adjourn until 10:00 o'clock a.m., Thursday, December 15, 1983.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Turner that the House adjourn until 12:01 o'clock a.m., Thursday, December 15, 1983, to the substitute motion offered by Rep. Johnson (Roy), was lost.

Yeas 26; Nays 47.

Yeas:

Reps. Boles, Box, Buskey (James), Carothers, Clark (W), Cosby, Dutton, Gaston, Grouby, Harper, Hooper, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, Marietta, Mathis, Mitchell, Payne, Penry, Rains, Rice, Seibels, Turner and White (G).

—26

Nays:

Mr. Speaker, Albright, Black, Blake, Bowling, Brakefield, Brooks, Browder, Bugg, Butler, Carter, Clark (J), Coburn, Coleman, Crow, Davis, Escott, Fuller, Gray, Grayson, Grimsley, Harvey, Hettinger, Horn, Johnson (Roy), Laird, Lauderdale, Melton, Mikell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Turnham, Venable and Zoghby.

—47

SUBSTITUTE MOTION ADOPTED

The question was then on the substitute motion offered by Rep. Johnson (Roy) that the House adjourn until 10:00 o'clock a.m., Thursday, December 15, 1983, and the substitute motion was adopted.

Yeas 64; Nays 14.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bugg, Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Escott, Fuller, Gray, Grayson, Grimsley,

FOURTH EXTRAORDINARY SESSION
8th Day

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Grouby, Harvey, Hettinger, Holley, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Laird, Lauderdale, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Venable, White (L) and Zoghby.

—64

Nays:

Reps. Boles, Box, Buskey (James), Dutton, Gaston, Harper, Hooper, Kvalheim, McKee, McMillan, Marietta, Payne, Turner and Turnham.

—14

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:45 P.M. on December 14, 1983

H. J. R. 6

H. J. R. 7

H. J. R. 8

H. J. R. 33

H. J. R. 34

H. J. R. 40

H. J. R. 42

H. J. R. 43

H. J. R. 44

H. J. R. 45

H. J. R. 48

H. J. R. 51

H. J. R. 53

H. J. R. 54

H. J. R. 55

H. J. R. 57

H. J. R. 105

H. J. R. 106

H. J. R. 107

H. J. R. 108

H. J. R. 109

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On substitute motion offered by Rep. Johnson (Roy), heretofore adopted, the House adjourned until 10:00 o'clock a.m. Thursday, December 15, 1983.

NINTH DAY

House of Representatives
Montgomery, Alabama
Thursday, December 15, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Pastor John David Parker; Church of Christ, Wetumpka, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Casey, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the rules were suspended and the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

RESOLUTION

The following resolutions were introduced:

By Rules Committee:

H. R. 132. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching the Calendar, the following bills in the order named be made the special order of business for Thursday, December 15, 1983:

BILL NO.	SPONSOR	TITLE	PAGE
S.B. 11	Mitchem, et al	Indus. Dev./Bond Issue	8
S.B. 10	Mitchem, et al	Indus. Dev./reallocate cigarette tax	7
S.B. 13	Hilliard	City, county/bonds and notes	4
S.B. 5	Teague	Counties/roads & bridges financing	11
S.B. 3	Teague	Textbooks/Ala. Institute for Deaf & Blind	5
S.B. 16	Dial	Military Affairs	4
H.B. 30	Butler & Smith	Boards of Registrars	5
H.B. 31	Clark (J)	Cigarette Tax	5
H.B. 18	Zoghby	Intestate's estate administration	9
H.B. 21	Hettinger, et al	Municipalities/industrial parks	3
S.B. 23	Cooley	Class 3 municipalities/ zoning variances	12
S.B. 26 (w/sub.)	Cooley	Child support— enforcement	10

On motion of Rep. Clark (J), the resolution, H. R. 132, was adopted.

Also:

By Reps. Carter, Martin, Dutton and Drake:

H. J. R. 133. URGING THE INTERSTATE COMMERCE COMMISSION TO GRANT CSX CORPORATION AUTHORITY TO OPERATE BARGE LINES.

WHEREAS, CSX Corporation through its rail and truck line subsidiaries, Chessie and Seaboard System Railroads and CMX Trucking lines now offers intermodal rail-truck service; and

WHEREAS, CSX Corporation has filed an application with the Interstate Commerce Commission for control of American Commercial Lines, whose subsidiary, American Commercial Barge Lines, Inc., is a major water carrier operating on 7,500 miles of the Mississippi River and Gulf Inter-coastal Waterway systems; and

WHEREAS, If said application is approved by the Interstate Commerce Commission, CSX Corporation has plans to build a major barge terminal on the Tennessee River in Alabama offering its shippers essentially a full range of transportation services; and

WHEREAS, transportation in Alabama as well as all of the southeastern and central states of the United States of America will be greatly enhanced by approval of the said application by CSX Corporation; now

therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we, as elected representatives and spokesmen of the people of Alabama do hereby urge the Interstate Commerce Commission to approve the application of CSX Corporation to operate barge lines so that an efficient, full range of transportation facilities may be provided by CSX Corporation to this state.

BE IT FURTHER RESOLVED, That we hereby urge the Governor to get behind the movement to encourage the Interstate Commerce Commission to approve the application of CSX Corporation so that CSX may operate barge lines and port facilities in this state and thereby connect transportation on the Tennessee-Tombigbee and other waterways of Alabama with the Ohio, the Mississippi and other river systems serving the industrial and agricultural heartland of this nation.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to the Secretary of the Interstate Commerce Commission at the address of 12th Street and Constitution Avenue, N. W., Washington, D. C. 20423.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to Governor George C. Wallace.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 133, was adopted.

Also:

By Rep. Turner:

H. J. R. 134. LEVYING A TAX ON FIRE TRUCK SALES AND PROVIDING FOR DISBURSEMENT OF PROCEEDS TO VOLUNTEER FIRE DEPARTMENTS AND RESCUE SQUADS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That \$500.00 shall be collected upon the sale of each used fire vehicle and \$5,000.00 shall be collected upon the sale of each new fire vehicle in the State of Alabama. The proceeds of these sales shall be deposited into the General Fund of the State of Alabama to be divided among the House and Senate Districts to be distributed to the Volunteer Fire Departments and Rescue Squads within each district.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Turner offered the motion to suspend the rules and adopt the resolution, H. J. R. 134.

DIVISION OF THE QUESTION

Rep. Holley called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Rep. Turner to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 134, and the motion was adopted.

RESOLUTION LOST

The resolution, H. J. R. 134, was lost.

LEAVE OF ABSENCE

At the request of Rep. Hall, leave of absence was granted for Rep. Richardson, and for the other legislative days during the fourth extraordinary session, due to illness in the family.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 13. The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code, has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Senators: Teague, Goodwin, and deGraffenried.

McDOWELL, LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 8. TO AMEND AND REENACT ACT NO. 79-43, H. J. R. 19 OF THE FIRST SPECIAL SESSION 1979 (ACTS 1979, PAGE 61) WHICH RELATES TO THE CREATION OF A CONTINUING JOINT COMMITTEE ON AGRICULTURE, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED ANNUAL EXPENDITURES OF THE COMMITTEE.

Also:

S. J. R. 44. ENDORSING THE PROCLAMATION OF JANUARY 1984 AS MEDICAL EYE MONTH.

Also:

S. J. R. 45. COMMENDING MR. BARNEY WEEKS UPON HIS RETIREMENT AS PRESIDENT OF THE ALABAMA LABOR COUN-

CIL, AFL-CIO.

McDOWELL, LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Lindsey:

H. R. 135. COMMENDING MR. AND MRS. NOAH ST. CLAIR OF SAND ROCK, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Lindsey and Junkins:

H. R. 136. HONORING MR. THOMAS MONEY OF CENTRE, ALABAMA, UPON HIS RETIREMENT.

Also:

By Rep. Lindsey:

H. R. 137. COMMENDING MAYOR ED YARBROUGH OF CENTRE, ALABAMA, UPON HIS CITY'S DESIGNATION AS A "PREPARED CITY."

Also:

By Rep. Lindsey:

H. R. 138. COMMENDING MR. AND MRS. HUGH STEELE FOR OUTSTANDING CONTRIBUTION TO THE CITY OF CENTRE, ALABAMA.

Also:

By Rep. White (L):

H. R. 139. COMMENDING MR. AND MRS. JOHN T. WORTHY ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Reps. Buskey (John), Holmes, Kennedy, Black, Buskey (James) and Escott:

H. J. R. 140. HONORING MRS. THELMA AUSTIN RICE UPON HER RETIREMENT FROM ALABAMA STATE UNIVERSITY.

WHEREAS, Mrs. Thelma Austin Rice entered into service with Alabama State University in the year of 1945, retiring December 10, 1983, following some 39 years of loyal service to the University; and

WHEREAS, she earned academic ranks of instructor, assistant professor and associate professor; and

WHEREAS, she rendered services to the University in the areas of science, educational psychology, mathematics, history and philosophy of education, and at both graduate and undergraduate levels; and

WHEREAS, in addition to her professional duties in academic disciplines, she has given unflinchingly of her time and expertise to the growth and development of the total University as an invaluable contributor to University Self-Studies for Southern Association of Colleges and Schools, 1970 and 1980; Faculty Grievance Committee; Committee to Evaluate Public Services Projects for University Funding; the Faculty Senate, serving as its first Vice President; Chairperson of the Student Publications Board; Advisor to the Hornet Yearbook, which under her leadership attained national recognition; Advisor to the Baptist Student Union, and the University Woman's Club; and

WHEREAS, Mrs. Rice has represented the University at the local, state, regional and national levels as a consultant for various academic disciplines, and has performed these duties both willingly and impeccably; and

WHEREAS, prior to her association of many years with ASU, Mrs. Rice served for eight years in the public schools for a distinguished career in education of some 47 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend to Mrs. Thelma Austin Rice congratulations for her commendable, praiseworthy and rewarding service.

BE IT FURTHER RESOLVED, That Mrs. Rice receive a copy of this resolution, bestowed in deep appreciation for her many years of outstanding service to the Alabama State University Community and in other educational areas.

On motion of Rep. Buskey (John), the rules were suspended and the resolution, H. J. R. 140, was adopted.

Also:

By Rep. Holmes:

H. J. R. 141. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of South Alabama is hereby encouraged to adopt an Affirmative Action Program in hiring policy in order to eliminate racial discrimination in employment among its faculty and staff.

BE IT FURTHER RESOLVED, That the University of South Alabama is hereby encouraged to actively support the placement of blacks on its Board of Trustees.

The motion offered by Rep. Holmes to suspend the rules and adopt the resolution, H. J. R. 141, was lost.

The resolution, H. J. R. 141, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

S. 11. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Was taken up.

AMENDMENT OFFERED

Rep. Clark (J) offered the following amendment to the bill, S. 11:

Amend Senate Bill 11, on page 4, line 16, by adding after the period following the word "herein." the following sentence:

The authorization for the Authority to issue additional bonds in aggregate principal amount to provide the initial capital of up to \$3,000,000 for said revolving loan fund shall be contingent upon the passage by the legislature and the signature of the Governor or upon its otherwise becoming law of appropriate funding measures to provide additional revenue to cover the debt service on said bonds and cause no state department, board, bureau or agency to have a reduction in receipts now provided.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Albright, Beers, Blake, Blakeney, Boles, Bowling, Brakefield,

Britnell, Brooks, Browder, Bugg, Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Faulk, Fuller, Gaston, Goodwin, Gray, Grimsley, Hall, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McDowell, McKee, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Onderdonk, Parker, Payne, Perdue, Poole, Rains, Reed, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Turnham, Venable, White (G), White (L) and Zoghby.

—67

Nay: Rep. Grayson.

—1

And the bill, S. 11 as thus amended, was read a third time at length and passed.

Yeas 76; Nays 2.

Yeas:

Mr. Speaker, Albright, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Fuller, Gaston, Goodwin, Gray, Grimsley, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Onderdonk, Payne, Penry, Perdue, Poole, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—76

Nays: Reps. Grayson and Hall.

—2

RESOLUTIONS

The following resolutions were introduced:

By Reps. Turnham, Carter, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 142. EXPRESSING APPRECIATION TO THE ROTUNDA TELEPHONE OPERATORS FOR THEIR COURTEOUS ASSISTANCE TO MEMBERS OF THE LEGISLATURE.

WHEREAS, as in past years, our telephone operators stationed in the Rotunda, whose services are provided by South Central Bell, have been a great help to all members of the Legislature; and

WHEREAS, never failing in courtesy, Ms. Mildred Auxford, Ms. Mildred Griffin and Ms. Mary Burt have expertly and efficiently handled untold number of calls for the Legislature, delivering messages with unerring dependability and with as little delay as possible; and

WHEREAS, the availability and convenience of this very necessary central message center has been invaluable to the Alabama Legislature, and to such a degree that it would be difficult to imagine having to function without this service, and

WHEREAS, due to upcoming divestiture by American Telephone and Telegraph of South Central Bell, there may be some uncertainty as to whether these extremely competent professionals will be able to return; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express deep appreciation to Mesdames Auxford, Griffin and Burt for their courteous assistance to the members of the Legislature.

BE IT FURTHER RESOLVED, That we hereby urge that Ms. Auxford, Ms. Griffin and Ms. Burt be allowed to return in their present capacity.

BE IT FURTHER RESOLVED, That these ladies be presented with copies of this resolution in token of appreciation, our warm praise and high regard.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 142, was adopted.

Also:

By Reps. Poole, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 143. COMMENDING MRS. CLYDE SHIPLEY OF THE TOWN OF MOUNDVILLE.

WHEREAS, Mrs. Clyde Shipley is retiring after twenty-one years of devoted service as the Clerk of the Town of Moundville; and

WHEREAS, Mrs. Shipley's accomplishments during this time includes an excellent record of bringing jobs and industry to Moundville and successfully obtaining numerous grants for Moundville; and

WHEREAS, Mrs. Shipley has served for six years as Secretary-Treasurer of the Greene-Hale Counties Gas District, worked for five years as a small loan examiner for the State Banking Department and received an excellent rating annually, worked as a reporter to the *Tuscaloosa News* and

was Editor and Business Manager for nine years of the *Moundville News*, and was bookkeeper for many years for several Moundville businesses; and

WHEREAS, Mrs. Shipley has devoted countless hours to civic organizations which include; serving as Chairman of Girls State, numerous activities for the Moundville Methodist Church, serving on the Moundville Easter Pageant Committee since 1948, charter member of the Moundville Industrial Committee, Inc., charter member and first president of the Moundville Business and Professional Women's Club, charter member of the Moundville United Fund, Mound Park Promotion Committee, Secretary of the Oak Hill Cemetery Association since 1942, member of the Alabama Travel Council, charter member of the Alabama Municipal Clerks and Administrators, member of the State Association of Chamber of Commerce Executives Association, member of the International Association of Municipal Clerks, and member of the Alabama Association of Municipal Revenue Officers; and

WHEREAS, Mrs. Shipley has provided an exemplary leadership role model for Moundville's youth; and

WHEREAS, Mrs. Shipley has through her dedication and service made Moundville a better place to live; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mrs. Clyde Shipley is hereby commended on her lifetime of achievements.

BE IT FURTHER RESOLVED, That Mrs. Shipley receive a copy of this resolution as a token of our esteem as we wish her the best during her retirement.

On motion of Rep. Poole, the rules were suspended and the resolution, H. J. R. 143, was adopted.

SPECIAL ORDER RESUMED

And the bill:

S. 10. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

Was read a third time at length and passed.

Yeas 79; Nays 6.

Yeas:

Mr. Speaker, Albright, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Fuller, Goodwin, Gray, Grimsley, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, McDowell, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham,

Venable, Warren, White (F), White (G), White (L) and Zoghby.

—79

Nays:

Reps. Gaston, Harper, Kvalheim, McNair, Marietta and Payne.

—6

And the bill:

S. 13. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, bearing compound interest or no interest, computed and payable at such time or times as may be provided, or at a discount equivalent to compound interest, and that this act is declarative of existing law.

Was read a third time at length and passed.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

S. 5. To amend Act No. 83-75 enacted at the 1983 First Special Session of the Legislature of Alabama, as amended, which act relates to the power of counties to issue warrants to finance the costs of necessary public buildings, bridges and roads; to authorize each county in the State of Alabama to sell and issue from time to time warrants for the purpose of paying the costs of acquiring (by construction, purchase or otherwise) public facilities which such county is authorized to acquire by laws other than this act; to define public facilities and other particular terms used in the substantive provisions of this act; to authorize the county commission of each county issuing warrants pursuant to the provisions of this act to determine whether such warrants shall be general obligations of such county of limited obligations payable solely from a specified source, to authorize such county commission to determine, within the constraints of this act, the terms and conditions of such warrants; to provide that certain taxes, revenues and other funds may be pledged as additional security for general obligations warrants issued under the provisions of this act; to provide that certain taxes, revenues and other funds may be pledged as the sole source of payment for limited obligation warrants issued under the provisions of this act; to specify the effect and priority of any such pledges; to authorize the issuance of

refunding warrants and to specify the nature of the debt that may be refunded thereby; to provide that warrants issued under the provisions of this act shall be legal investments; to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county; to provide that the provisions of this act shall control over inconsistent provisions of other laws; and to provide that the provisions of this act shall be severable.

Was read a third time at length and passed.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 144. COMMENDING MR. AND MRS. OLIN SHEPPARD OF ROANOKE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolution was introduced:

By Rep. Laird:

H. J. R. 145. COMMENDING MR. AND MRS. OLIN SHEPPARD OF ROANOKE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the legislature of Alabama notes with pleasure the Golden Wedding Anniversary on November 18, 1933, of Mr. and Mrs. Olin Sheppard of Roanoke, Alabama; and

WHEREAS, Mr. Sheppard and his lovely bride, Miss Pansie Mildred Adamson, were united in marriage on November 18, 1933, in Standing Rock, Chambers County, Alabama, and have remained in said Holy state for the past 50 years; and

WHEREAS, they have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example to others; and

WHEREAS, Mr. and Mrs. Sheppard are the parents of Mr. and Mrs. .

Emory Sheppard and Mr. and Mrs. Tommy Yarbrough, and the loving grandparents of Scott, Gena, Autumn, Tracey and Caryn who hosted an anniversary dinner in the couple's honor, on November 26, 1983, which was attended by other family members and numerous friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary Randolph County couple, Mr. and Mrs. Olin Sheppard, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Sheppard that they may know of our congratulations and sincere best wishes for every future happiness together.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 145, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Melton:

H. R. 146. MOURNING THE DEATH OF AIRMAN MARCUS TERRELL JACKSON OF TUSCALOOSA, ALABAMA.

SPECIAL ORDER RESUMED

And the bill:

S. 3. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in *pari materia* with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

Was read a third time at length and passed.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (John), Carothers, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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H. 7 INDEFINITELY POSTPONED

On motion of Rep. Preuitt, the bill:

H. 7. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in

pari materia with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

Was indefinitely postponed.

SPECIAL ORDER RESUMED

And the bill:

S. 16. Relating to military affairs and civil defense; amending: Section 31-2-8, Code of Alabama 1975, relating to the organization of the state guard; Section 31-2-9, Code of Alabama 1975, pertaining to the separate powers of the governor and adjutant general over the guard separate from federal control; and Section 31-2-10 relating to appropriations for the state guard, so as to change the name from state guard to state defense force and to authorize the governor to call the state defense force into temporary action.

Was taken up.

MOTION TO INDEFINITELY POSTPONE

Rep. Holmes offered the motion to indefinitely postpone the bill, S. 16.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Rice that the House recess until 1:30 o'clock p.m. was lost.

MOTION TO INDEFINITELY POSTPONE LOST

The question was then on the motion offered by Rep. Holmes to indefinitely postpone the bill, S. 16, and the motion was lost.

Yeas 10; Nays 73.

Yeas:

Reps. Bryant, Buskey (John), Davis, Gray, Grayson, Holmes, Horn, Kennedy, Rogers and Spratt.

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Nays:

Mr. Speaker, Adams, Albright, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Grimsley, Hall, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill, S. 16, was read a third time at length and passed.

Yeas 82; Nays 5.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Blake, Blakeney, Boles, Bowling, Box,

Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—82

Nays:

Reps. Buskey (John), Grayson, Holmes, Horn and McDowell.

—5

And the bill:

H. 30. To amend Section 17-4-156 of the Code of Alabama 1975, relating to sessions of boards of registrars and working days for such boards, so as to provide that such sessions and working days shall be based on the fiscal year beginning October 1, 1983, and thereafter.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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CO-SPONSOR ADDED

Rep. Reed was added as co-sponsor to the bill, H. 30.

REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL 13

We, the Committee on Conference appointed to reconcile the differences between the two Houses on House Bill 13 have met, considered the matter, and agreed to the following:

Amend H. B. 13, page 13, at the end of Section 6, new subsection (f), by adding the following to the new subsection (f) (Senate Amendment #2):

Provided further, that at the end of the 60 day period provided in this subsection, the commissioner or his duly authorized representatives must obtain a writ of execution from the circuit court of the judicial district in

which the property is located prior to seizure of property as authorized by this act.

REP. JACK VENABLE,
REP. BILL BOWLING,
REP. ROY JOHNSON,
Conferees of the House.

SENATOR RYAN DEGRAFFENRIED,
SENATOR JOHN TEAGUE,
SENATOR EARL GOODWIN,
Conferees of the Senate.

Amend House Bill 13 as amended, at the end of Section 6 by adding a new subparagraph (g) as follows:

"(g) Any person desiring to appeal under Section 40-2-22 Code of Alabama 1975, from any final assessment made by the department of revenue may do so by following the procedure outlined therein with the following exception: if a person can show to the satisfaction of the clerk of the circuit court to which the appeal is taken that he has a total gross net worth of \$20,000 or less including his homestead, then said person may take such appeal without either paying the tax in full or posting a supersedeas bond in twice the amount of such final assessment."

Amend H. B. 13, page 13, at the end of Section 6, by adding a new subsection (f) to read as follows:

"(f) Provided that the powers conferred on the Commissioner of Revenue, or his duly authorized representatives, by this Section shall not be effective until 60 days after receipt by the Sheriff of a writ of execution issued by the Revenue Department under Section 40-2-11(17), Code of Alabama 1975."

Amend Substitute to Senate Judiciary Committee Substitute to House Bill 13, As Amended, Sections 3, Page 3, by adding the following additional paragraph:

"If the taxpayer shall file with the Department of Revenue a bond in double the amount of the lien filed, with surety or sureties to be either a surety company authorized to do business in Alabama or such individual property owners, not less than three in number, as are recommended by the judge of probate of the county in which the notice of lien is recorded, conditioned to pay all such tax, interest penalty, additional amount or addition to such tax, together with any costs which may occur in addition thereto as may be assessed against the taxpayer, principal in said bond, the Commissioner of Revenue or his delegate, shall withdraw and release said lien filed under the provisions of this section, and upon a determination that the said taxpayer owes any of said taxes to the state, the assessment (judgment) therefor shall be entered against said taxpayer and the surety or sureties on said bond; and, if not paid within 30 days from the date of said final assessment (judgment), then execution shall issue therefor against said principal and the surety or sureties on said bond. If the bond hereinabove provided for is not given and approved by the said Commission, and a final assessment (judgment) is entered against said taxpayer and he duly and legally appeals therefrom within the time and in the manner provided for by this

title, and the clerk or register of the court to which the appeal has been taken duly and legally approves the bond required by Section 40-2-22 or the said taxpayer against whom the said assessment was entered by the State Department of Revenue shall, within 30 days from the date of said assessment, pay the amount thereof to the state, then, in either of said events, the Commissioner of Revenue shall cancel or release from record said lien."

Amend House Bill 13, as amended, on page 23, line 31, by deleting subparagraph (3) in its entirety and inserting in lieu thereof the following:

"(3) an amount of money equal to the fair market value of the property levied upon and the reasonable cost of a judicial determination of the existence of a wrongful levy.

Amend House Bill 13, as amended, on page 27, line 14, by deleting the word "equal" and inserting in lieu thereof the word "up"

Amend House Bill 13, as amended, page 32, line 14, by changing the comma following the word "both" to period and deleting the remainder of this paragraph.

Further amend House Bill 13, as amended, page 32, line 26, by changing the comma following the word "both" to a period and deleting the remainder of this paragraph.

Further amend House Bill 13 as amended, page 34, line 33, by changing the comma following the word "both" to a period and deleting the remainder of the paragraph.

Further amend House Bill 13, as amended, page 35, line 26, by changing the comma following the word "both" to a period and deleting the remainder of the paragraph.

Amend House Bill 13, as amended, on page 15, line 11, after the word "officer" by deleting the words "or employee".

Further amend House Bill 13, as amended, on page 15, line 12, after the word "member" by deleting the words "or employee".

Further amend House Bill 13, as amended, on page 15, line 13, by deleting the word "employee" and the comma immediately following.

Further amend House Bill 13, as amended, on page 26, line 36, after the word "officer" by deleting the words "or employee".

Further amend House Bill 13, as amended, on page 26, line 37, after the word "member" by deleting the words "or employee".

Further amend House Bill 13, as amended, on page 26, line 38, by deleting the word "employee" and the comma immediately following.

Amend substitute to House Bill 13, as amended, on page 14, line 25, after the word "the" by deleting the number "50" and inserting therein the number "10".

Further amend substitute to House Bill 13, as amended, on page 14, line 33, after the word "to" by deleting the number "50" and inserting therein the number "10".

Amend House Bill 13, as amended, on page 16, line 29 by deleting the following language: "by special order of the Commissioner or his delegate." and by inserting therein the following language:

"where property is owned in two or more counties the Commissioner or

his delegate may determine in which of the counties in which any of the property is located the sale shall be held."

A BILL
TO BE ENTITLED
AN ACT

The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as the "Tax Enforcement and Compliance Act" or "TECA."

Section 2. Application — Intent — Conflicting provisions.

The provisions of this chapter shall apply to every public tax, license or fee, and/or any penalty or interest payable thereon, levied under the provisions of any existing or hereafter enacted law which is codified in Title 40 or any other title and is collectible by the Commissioner of Revenue.

The purpose of this chapter is to supplement and clarify existing provisions of the general law relating to the enforcement and collection of taxes. The provisions of this chapter shall be complimentary and in addition to all other provisions of law. In the event of any conflict between the provisions of this chapter and those of any other specific statutory provisions contained in other chapters of Title 40, or of any other title, it is hereby declared to be the legislative intent that, to the extent such other specific provisions are inconsistent with or different from the provisions of this chapter, the provisions of this chapter shall prevail. It is the intent of the Legislature that no part of this Act shall be construed so as to supersede any due process requirements presently in effect under Title 40, Code of Alabama 1975.

SUBCHAPTER A
COLLECTIONS

Section 3. Lien for Taxes.

If any person liable to pay any tax, other than ad valorem tax, neglects or refuses to pay the same, the amount (including any interest, additional amount, addition to tax, or assessable penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the State of Alabama upon all property and rights to property, whether real or personal, tangible or intangible, belonging to such person. The Department of Revenue shall give notice of lien to the taxpayer.

Section 4. Period of lien.

Unless another date is specifically fixed by law, the lien imposed by Section 3 of this subchapter shall arise at the time the assessment list, return therefor or the payment thereof, whichever is prior, was due to have been filed with or made to the Revenue Department, and shall continue until the liability for the amount so assessed (or a judgment against the taxpayer arising out of such liability) is satisfied or becomes unenforceable by reason of lapse of time.

Section 5. Validity and priority against certain persons.

(a) Purchasers, holders of security interests, mechanic's lienors, and judgment lien creditors — The lien imposed by Section 3 of this subchapter shall not be valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice thereof which meets the requirements of subsection (f) has been filed by the Commissioner of Revenue or his delegate, and shall not be perfected as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until the date such notice is filed.

(b) Protection for certain interest even though notice filed—Even though notice of a lien imposed by Section 3 has been filed, such lien shall not be valid—

(1) Securities.—With respect to a security [as defined in subsection (g) (4)]—

(A) as against a purchaser of such security who at the time of purchase did not have actual notice or knowledge of the existence of such lien; and

(B) as against a holder of a security interest in such security who, at the time such interest came into existence, did not have actual notice or knowledge of the existence of such lien.

(2) Motor vehicles.—With respect to a motor vehicle [as defined in subsection (g) (3)], as against a purchaser of such motor vehicle, if—

(A) at the time of the purchase such purchaser did not have actual notice or knowledge of the existence of such lien, and

(B) before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

(3) Personal property purchased at retail.—With respect to tangible personal property purchased at retail, as against a purchaser in the ordinary course of the seller's trade or business, unless at the time of such purchase such purchaser intends such purchase to (or knows such purchase will) hinder, evade, or defeat the collection of any tax under this title.

(4) Personal property purchased in casual sale.—With respect to household goods, personal effects, or other tangible personal property purchased (not for resale) in a casual sale for less than \$250, as against the purchaser, but only if such purchaser does not have actual notice or knowledge (A) of the existence of such lien, or (B) that this sale is one of a series of sales.

(5) Personal property subject to possessory lien.—With respect to tangible personal property subject to a lien securing the reasonable price of the repair or improvement of such property, as against a holder of such a lien, if

such holder is, and has been, continuously in possession of such property from the time such lien arose.

(6) Real property tax.—With respect to real property, as against a holder of a lien upon such property, if such lien is entitled to priority over security interests in such property which are prior in time, and such lien secures payment of ad valorem tax.

(7) Real property subject to a mechanic's lien for certain repairs and improvements.—With respect to real property subject to a lien for repair or improvement as against a mechanic's lienor but not to exceed \$5,000.

(8) Attorneys' liens.—With respect to a judgment or other amount in settlement of a claim or of a cause of action, as against an attorney who holds a lien upon or a contract enforceable against such judgment or amount, to the extent of his reasonable compensation for obtaining such judgment or procuring such settlement.

(9) Certain insurance contracts.—With respect to a life insurance, endowment, or annuity contract, as against the organization which is the insurer under such contract, at any time—

(A) before such organization had actual notice or knowledge of the existence of such lien; or

(B) after such organization had such notice or knowledge, with respect to advances required to be made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge.

(c) Protection for certain commercial transactions financing agreements, etc.—

(1) In general.—To the extent provided in this subsection, even though notice of a lien imposed by section 3 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing but which—

(A) is in qualified property covered by the terms of a written agreement entered into before tax lien filing and constituting—

(i) a commercial transactions financing agreement,

(11) a real property construction or improvement financing agreement, or

(iii) an obligatory disbursement agreement, and

(B) is protected against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(2) Commercial transactions financing agreement.—For purposes of this subsection—

(A) Definition.—The term "commercial transactions financing agreement" means an agreement (entered into by a person in the course of his trade or business)—

(i) to make loans to the taxpayer to be secured by commercial financing security acquired by the taxpayer in the ordinary course of his trade or business, or

(ii) to purchase commercial financing security (other than inventory) acquired by the taxpayer in the ordinary course of his trade or business;

but such an agreement shall be treated as coming within the term only to the extent that such loan or purchase is made before the 46th day after the date of tax lien filing or (if earlier) before the lender or purchaser had actual notice or knowledge of such tax lien filing.

(B) Limitation on qualified property.—The term “qualified property”, when used with respect to a commercial transactions financing agreement, includes only commercial financing security acquired by the taxpayer before the 46th day after the date of tax lien filing.

(C) Commercial financing security defined.—The term “commercial financing security” means (i) paper of a kind ordinarily arising in commercial transactions, (ii) accounts receivable, (iii) mortgages on real property, and (iv) inventory.

(D) Purchaser treated as acquiring security interest.—A person who satisfies subparagraph (A) by reason of clause (ii) thereof shall be treated as having acquired a security interest in commercial financing security.

(3) Real property construction or improvement financing agreement.—For purposes of this subsection—

(A) Definition.—The term “real property construction or improvement financing agreement” means an agreement to make cash disbursements to finance—

- (i) the construction or improvement of real property,
- (ii) a contract to construct or improve real property, or
- (iii) the rising or harvesting of a farm crop or the raising of livestock or other animals.

For purposes of clause (iii), the furnishing of goods and services shall be treated as the disbursement of cash.

(B) Limitation on qualified property.—The term “qualified property”, when used with respect to a real property construction or improvement financing agreement, includes only—

- (i) in the case of subparagraph (A) (i), the real property with respect to which the construction or improvement has been or is to be made,
- (ii) in the case of subparagraph (A) (ii), the proceeds of the contract described therein, and
- (iii) in the case of subparagraph (A) (iii), property subject to the lien imposed by Section 3 at the time of tax lien filing and the crop or the livestock or other animals referred to in subparagraph (A) (iii).

(4) Obligatory disbursement agreement.—For purposes of this subsection—

(A) Definition.—The term “obligatory disbursement agreement” means an agreement (entered into by a person in the course of his trade or business) to make disbursements, but such an agreement shall be treated as coming within the term only to the extent of disbursements which are required to be made by reason of the intervention of the rights of a person other than the taxpayer.

(B) Limitation of qualified property.—The term “qualified property”, when used with respect to an obligatory disbursement agreement, means property subject to the lien imposed by Section 3 at the time of tax lien

filing and [to the extent that the acquisition is directly traceable to the disbursements referred to in subparagraph (A)] property acquired by the taxpayer after tax lien filing.

(C) Special rules for surety agreements.—Where the obligatory disbursement agreement is an agreement ensuring the performance of a contract between the taxpayer and another person—

(i) the term “qualified property” shall be treated as also including the proceeds of the contract the performance of which was ensured, and

(ii) if the contract the performance of which was ensured was a contract to construct or improve real property, to produce goods, or to furnish services, the term “qualified property” shall be treated as also including any tangible personal property used by the taxpayer in the performance of such ensured contract.

(d) 45 day period for making disbursement.—Even though notice of a lien imposed by Section 3 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing by reason of disbursements made before the 46th day after the date of tax lien filing, or (if earlier) before the person making such disbursements had actual notice or knowledge of tax lien filing, but only if such security interest—

(1) is in property (A) subject at the time of tax lien filing, to the lien imposed by Section 3, and (B) covered by the terms of a written agreement entered into before tax lien filing, and

(2) is protected against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(e) Priority of interest and expenses.—If the lien imposed by Section 3 is not valid as against a lien or security interest, the priority of such lien or security interest shall extend to—

(1) any interest or carrying charges upon the obligation secured,

(2) the reasonable charges and expenses of an indenture trustee or agent holding the security interest for the benefit of the holder of the security interest,

(3) the reasonable expenses, including reasonable compensation for attorneys, actually incurred in collecting or enforcing the obligation secured,

(4) the reasonable costs of insuring, preserving, or repairing the property to which the lien or security interest relates,

(5) the reasonable costs of insuring payment of the obligation secured, and

(6) amounts paid to satisfy any lien on the property to which the lien or security interest relates, but only if the lien so satisfied is entitled to priority over the lien imposed by Section 3, to the extent that any such item has the same priority as the lien or security interest to which it relates.

(f) Place for filing; form.—

(1) Place for filing.—The notice referred to in subsection (a) shall be filed

(A) Real property.—In the case of real property, in the probate office of the county in which the property subject to the lien is situated; and

(B) Personal property.—In the case of personal property, whether tangible or intangible, in the office (i) in which a financing statement would be filed to perfect a security interest with respect to such property pursuant to the Alabama Uniform Commercial Code, or (ii) of the Secretary of State, if a financing statement would not be required to be filed to perfect a security interest with respect to such property; provided, however, if the property is a motor vehicle (as defined under sub-section (g) (3) of Section 5), the tax lien shall be perfected in the same manner as a security interest is required to be perfected with respect to such motor vehicle. Such notice shall be effective as to any third party only when properly included by name in the index of such financing statements available for public inspection, and shall not be effective against a third party who relies upon a certification of such filings obtained in the manner provided in Section 7-9-407 of the Code of Alabama 1975 if such notice is omitted from the certification. Each filing officer shall reflect such notices in any certificate provided pursuant to Section 7-9-407.

(2) Form.—The form and content of the notice referred to in subsection (a) shall be prescribed by the Commissioner of Revenue or his delegate. Such notice shall be valid notwithstanding any other provision of law regarding the form or content of a notice of lien.

(g) Definitions.—For purposes of this section

(1) Security interest.—the term “security interest” means any interest in property acquired by contract for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability. A security interest exists at any time (A) if, at such time, the property is in existence and the interest has become protected against a subsequent judgment lien arising out of an unsecured obligation, and (B) to the extent that, at such time, the holder has parted with money or money’s worth.

(2) Mechanic’s lienor.—The term “mechanics lienor” means any person who has a lien on real property (or on the proceeds of a contract relating to real property) for services, labor, or materials furnished in connection with the construction or improvement of such property. For purposes of the preceding sentence, a person has a lien on the earliest date such lien becomes valid against subsequent purchasers without actual notice, but not before he begins to furnish the services, labor, or materials.

(3) Motor vehicle.—The term “motor vehicle” means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.

(4) Security.—The term “security” means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by a corporation or a government or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(5) Tax lien filing.—The term “tax lien filing” means the filing of notice (referred to in subsection (a)) of the lien imposed by Section 3.

(6) Purchaser.—The term “purchaser” means a person who, for adequate and full consideration in money or money’s worth, acquires an interest (other than a lien or security interest) in property which is valid against subsequent purchasers without actual notice. In applying the preceding sentence for purposes of subsection (a) of this section—

- (A) a lease of property,
- (B) a written executory contract to purchase or lease property,
- (C) an option to purchase or lease property or any interest therein, or
- (D) an option to renew or extend a lease of property, which is not a lien or security interest shall be treated as an interest in property.

(i) Special rules.—

(1) Actual notice or knowledge.—For purposes of this subchapter, an organization shall be deemed for purposes of a particular transaction to have actual notice or knowledge of any fact from the time such fact is brought to the attention of the individual conducting such transaction, and in any event for the time such fact would have been brought to such individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routine. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(2) Subrogation.—Where one person is subrogated to the rights of another with respect to a lien or interest, such person shall be subrogated to such rights for purposes of any lien imposed by Section 3.

(3) Disclosure of amount of outstanding lien.—If a notice of lien has been filed pursuant to subsection (f), the Commissioner or his delegate is authorized to provide by regulations the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by the lien may be disclosed.

Section 6. Levy and distraint.

(a) Authority of Commissioner or delegate.—If any person liable to pay any final assessment of tax neglects or refuses to pay the same within 30 days after notice and demand, it shall be lawful for the Commissioner of Revenue or his delegate to collect such tax (and such further sum as shall be sufficient to cover the expenses of the levy) by levy upon all property and rights to property belonging to such person or on which there is a lien provided in this chapter for the payment of such tax. If the Commissioner of Revenue or his delegate makes a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the Commissioner of Revenue or his delegate and, upon failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the 30-day period provided in this section. The Commissioner of Revenue or his delegate shall procure a temporary restraining order from the appropriate Circuit Court of Alabama prior to a jeopardy levy for which said court may order the taxpayer restrained from disposing of any assets or otherwise provide for other means to insure collection of the tax liability.

(b) Seizure and sale of property.—The term "levy" as used in this title includes the power of distraint and seizure by any lawful means. Except as otherwise provided in subsection (d)(3), a levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the Commissioner of Revenue may levy upon property or rights to property, he may seize and sell such property or rights to property (whether real or personal, tangible or intangible), as prescribed by law.

(c) Successive seizures.—Whenever any property or right to property upon which levy has been made by virtue of subsection (a) is not sufficient to satisfy the claim of the State of Alabama for which levy is made, the Commissioner of Revenue or his delegate may, thereafter, and as often as may be necessary, proceed to levy in like manner upon any other property liable to levy of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid.

(d) Requirement of notice before levy.

(1) In general.—Levy may be made under subsection (a) upon the salary or wages or other property of any person with respect to any unpaid tax only after the Commissioner of Revenue has notified such person in writing of his intention to make such levy.

(2) 30-day requirement. — The notice required under paragraph (1) shall be served in any one of the following methods

(A) given in person,

(B) left at the dwelling or usual place of business of such person, or

(C) sent by certified or registered mail to such person's last known address,

no less than 30 days before the day of the levy.

(3) Jeopardy.—Paragraph (1) shall not apply to a levy if the Commissioner of Revenue has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy.

(e) Continuing levy on salary and wages.—

(1) Effect of levy.—The effect of a levy on salary or wages payable to or received by a taxpayer shall be continuous from the date such levy is first made until the liability out of which such levy arose is satisfied; provided, however, that no such levy made shall be more than 25% of the total wages or salary due the taxpayer.

(2) Release and notice of release.—With respect to a levy described in paragraph (1), the Commissioner of Revenue shall within ten (10) days release the levy when the liability out of which such levy arose is satisfied and shall promptly notify the person upon whom such levy was made that such levy has been released.

Section 7. Surrender of property subject to levy.

(a) Requirement.—Except as otherwise provided in subsection (b), any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made shall, upon demand of the Commissioner of Revenue or his delegate, surrender such property or rights (or discharge such obligation) to the Commissioner of Revenue or his delegate, except such part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) Enforcement of levy.—

(1) Extent of personal liability.—Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the Commissioner of Revenue, shall be liable in his own person and estate to the State of Alabama in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the

collection of which such levy has been made, together with costs and interest on such sum at an annual rate established by law from the date of such levy [or, in the case of a levy described in Section 6(d)(3), from the date such person would otherwise have been obligated to pay over such amounts to the taxpayer]. Any amount (other than costs and the 50% penalty provided in subparagraph 2 below) recovered under this paragraph shall be credited against the tax liability for the collection of which such levy was made.

(2) **Penalty for violation.**—In addition to the personal liability imposed by paragraph (1), if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property without reasonable cause, such person shall be liable for a penalty equal to 50 percent of the amount recoverable from the property under his control. No part of such penalty shall be credited against the tax liability for the collection of which such levy was made.

(c) **Effect of honoring levy.**—Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the Commissioner of Revenue or his delegate, surrenders such property or rights to property (or discharges such obligation) to the Commissioner of Revenue or his delegate, or who pays a liability under subsection (b)(1), shall be discharged from any obligation or liability to the delinquent taxpayer with respect to such property or rights to property arising from such surrender or payment.

(d) **Person defined.**—The term "person" as used in subsection (a) includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to surrender the property or rights to property, or to discharge the obligation.

Section 8. Production of books.

If a levy has been made on any property, or right to property, any person having custody or control of any books or records containing evidence or statements relating to the property or rights to property subject to levy, shall, upon demand of the Commissioner of Revenue or his delegate, exhibit such books or records to the Commissioner of Revenue or his delegate.

Section 9. Sale of seized property.

(a) **Notice of seizure.**—As soon as practicable after seizure of property, notice in writing shall be given by the Commissioner of Revenue or his delegate to the owner of the property (or, in the case of personal property, the possessor thereof), or shall be left at his usual place of abode or business. If the owner cannot be readily located, or has no dwelling or place of business within the state, the notice may be mailed to his last known address. Such notice shall specify the sum demanded and shall contain, in the case of real property, a description with reasonable certainty of the property seized.

(b) **Notice of sale.**—The Commissioner or his delegate shall as soon as practicable after the seizure of the property give notice to the owner, in the manner prescribed in subsection (a), and shall cause a notification to be published in some newspaper published or generally circulated within the county wherein such seizure is made, or if there be no newspaper published or generally circulated in such county, shall post such notice at the post office nearest the place where the seizure is made, and in not less than two other public places. Such notice shall specify the property to be sold, including both a legal description and a readily understandable layman's

description, and the time, place, manner, and conditions of the sale thereof. Whenever levy is made without regard to the 30-day notice period, public notice of sale of the property seized shall be made within such 30-day period unless Section 10 (relating to sale of perishable goods) is applicable.

(c) Sale of indivisible property.—If any property liable to levy is not divisible, so as to enable the Commissioner or his delegate by sale of a part thereof to raise the whole amount of the tax and expenses, the whole of such property shall be sold. Such indivisible property shall include only property in which the taxpayer has controlling interest in and may not include property wherein the taxpayer may share in ownership with other persons.

(d) Time and place of sale.—The time of sale shall not be less than 30 days nor more than 60 days from the time of giving public notice under subsection (b). The place of sale shall be within the county in which the property is seized, except by special order of the Commissioner or his delegate.

(e) Manner and conditions of sale.—

(1) Minimum price.—Before the sale the Commissioner or his delegate may determine a minimum price for which the property shall be sold, and if such minimum price is determined, and if no person offers for such property at the sale the amount of the minimum price, the property shall be declared to be purchased at such price for the State of Alabama; otherwise the property shall be declared to be sold to the highest bidder.

(2) Additional Rules Applicable to Sale.—The Commissioner or his delegate shall by regulations prescribe the manner and other conditions of the sale of property seized by levy. If one or more alternative methods or conditions are permitted by regulations, the Commissioner or his delegates shall select the alternatives applicable to the sale. Such regulations shall provide:

(A) That the sale shall not be conducted in any manner other than—

(i) by public auction, or

(ii) by public sale under sealed bids.

(B) In the case of the seizure of several items of property, whether such items shall be offered separately, in groups, or in the aggregate; and whether such property shall be offered both separately (or in groups) and in the aggregate, and sold under whichever method produces the highest aggregate amount.

(C) Whether the announcement of the minimum price determined by the Commissioner or his delegate may be delayed until the receipt of the highest bid.

(D) Whether payment in full shall be required at the time of acceptance of a bid, or whether a part of such payment may be deferred for such period (not to exceed 1 month) as may be determined by the Commissioner or his delegate to be appropriate.

(E) The extent to which methods (including advertising) in addition to those prescribed in subsection (b) may be used in giving notice of the sale.

(F) Under what circumstances the Commissioner or his delegate may adjourn the sale from time to time (but such adjournments shall not be for

a period to exceed in all 1 month).

(3) Payment of amount bid.—If payment in full is required at the time of acceptance of a bid and is not then and there paid, the Commissioner or his delegates shall forthwith proceed to again sell the property in the manner provided in this subsection. If the conditions of the sale permit part of the payment to be deferred, and if such part is not paid within the prescribed period, suit may be instituted against the purchaser for the purchase price or such part thereof as has not been paid, together with interest at the rate applicable to liabilities due the Revenue Department from the date of the sale; or, in the discretion of the Commissioner or his delegate, the sale may be declared to be null and void for failure to make full payment of the purchase price and the property may again be advertised and sold as provided in subsections (b) and (c) of this subsection. In the event of such readvertisement and sale any new purchaser shall receive such property or rights to property free and clear of any claim or right of the former defaulting purchaser, of any nature whatsoever, and the amount paid upon the bid price by such defaulting purchaser shall be forfeited.

Section 10. Sale of perishable goods.

If the Commissioner or his delegate determines that any property seized is liable to perish or become greatly reduced in price or value by keeping, or that such property cannot be kept without great expense, he shall appraise the value of such property and—

(a) Return to owner.—If the owner of the property can be readily found, the Commissioner or his delegate shall give him notice of such determination of the appraised value of the property. The property shall be returned to the owner if, within such time as may be specified in the notice, the owner—

(1) Pays to the Commissioner or his delegate an amount equal to the appraised value, or

(2) Gives bond in such form, with such sureties, and in such amount as the Commissioner or his delegate shall prescribe, to pay the appraised amount at such time as the Commissioner or his delegate determines to be appropriate in the circumstances.

(b) Immediate sale.—If the owner does not pay such amount or furnish such bond in accordance with this section, the Commissioner or his delegate may as soon as practicable make public sale of the property in accordance with such regulations or in such manner as may be prescribed by the Commissioner or his delegate.

Section 11. Redemption of property.

(a) Before sale.—Any person whose property has been levied upon hereunder or subject to execution under Section 40-2-11, Code of Alabama 1975, shall have the right to pay the amount due, together with the expenses of the proceeding, if any, to the Commissioner or his delegate at any time prior to the sale thereof, and upon such payment the Commissioner or his delegate shall restore such property to him, and all further proceedings in connection with the levy on such property shall cease from the time of such payment.

(b) Redemption of real estate after sale.—

(1) Period.—The owners of any real property sold as provided in Section 9, their heirs, executors, or administrators, or any person having any

interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the property sold, or any particular tract of such property, at any time within one year after the sale thereof. Real property purchased by the state at said sale may be redeemed from the state at any time within one year after the sale thereof.

(2) Price.—Such property or tract of property shall be permitted to be redeemed upon payment of the purchaser, or in case he cannot be found in the county in which the property to be redeemed is situated, then to the Commissioner or his delegate, for the use of the purchaser, his heirs, or assigns, the amount paid by such purchaser and interest thereon at the current rate of interest per annum as last published and charged on delinquent taxes by the Internal Revenue Service. Where the state was purchaser, the tax liability must be paid in full in addition to the costs, penalties and interest in order to redeem.

(c) Record.—When any lands sold are redeemed as provided in this section, the Commissioner or his delegate shall cause entry of the fact to be made upon the record mentioned in Section 14, and such entry shall be evidence of such redemption.

(d) There may be no redemption of personal property.

Section 12. Certificate of sale; deed of real property.

(a) Certificate of sale.—In the case of personal property sold as provided in Section 9, the Commissioner or his delegate shall give to the purchaser a certificate of sale upon payment in full of the purchase price.

(b) Deed to real property.—In the case of any real property sold as provided in Section 9 and not redeemed in the manner and within the time provided in section 11, the Commissioner or his delegate shall execute to the purchaser of such real property at such sale, upon his surrender of the certificate of sale, a deed of the real property so purchased by him, reciting the facts set forth in the certificate.

(c) Real property purchased by State of Alabama.—If real property is declared purchased by the State of Alabama at a sale pursuant to Section 9, the Commissioner or his delegate shall at the proper time execute a deed therefor, and without delay cause such deed to be duly recorded in the probate office of the county in which the property is located.

Section 13. Legal effect of certificate of sale of personal property and deed of real property.

(a) Certificate of sale of property other than real property.—In all cases of a sale of property (other than real property) pursuant to Section 9, the certificate of such sale—

(1) As evidence.—Shall be prima facie evidence of the right of the officer to make such sale, and conclusive evidence of the regularity of his proceedings in making the sale; and

(2) As conveyances.—Shall transfer to the purchaser all right, title, and interest of the party delinquent in and to the property sold; and

(3) As authority for transfer of corporate stock.—If such property consists of stocks, shall be notice when received, to any corporation, company, or association of such transfer, and shall be authority to such corporation, company, or association to record the transfer on its books and records in the same manner as if the stocks were transferred or assigned by the party not discharge such property from liens, encumbrances, and titles sen-

ior to the lien of the State of Alabama.

Section 14. Records of sales to be kept.

The Commissioner or his delegate shall keep a record of all sales of real property sold under Section 9 and of redemptions of such property. The record shall set forth the tax for which the sale was made, the dates of seizure and sale, the amount of the expenses, the name of purchaser and the date of the deed. A deed to the State of Alabama by virtue of its purchase at the sale shall be promptly recorded in the Probate Office of the county or counties where the property is located.

Section 15. Expense of levy and sale.

The Commissioner or his delegate shall determine the expenses to be allowed in all cases of levy and sale, which expenses shall be actual expenses directly related to the sale. The fee for a professional auctioneer that may be employed at the discretion of the Commissioner or his delegate shall be considered an expense of the levy and sale.

Section 16. Application of proceeds of levy.

(a) Collection of liability.—Any money realized by proceedings under this subchapter (whether by seizure, by surrender under Section 7 [except pursuant to subsection (b)(2) thereof], or by sale of seized property) or by sale of property redeemed by the State of Alabama (if the interest of the State of Alabama in such property was a lien arising under the provisions of this title) shall be applied as follows:

(1) Expense of levy and sale.—First, against the expenses of the proceedings;

(2) Specific tax liability on seized property.—If the property seized and sold is subject to a tax imposed under this title which has not been paid, the amount remaining after holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not; and

(4) As receipts.—If the subject of sale is securities or other evidence of debt, shall be a good and valid receipt to the person holding the same, as against any person holding or claiming to hold possession of such securities or other evidences of debt; and

(5) As authority for transfer of title to motor vehicle.—If such property consists of a motor vehicle, shall be notice, when received, to any public official charged with the registration of title to motor vehicles, of such transfer and shall be authority to such official to record the transfer on his books and records in the same manner as if the certificate of title to such motor vehicle were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not.

(b) Deed of real property.—In the case of the sale of real property pursuant to Section 9—

(1) Deed as evidence.—The deed of sale given pursuant to Section 12 shall be prima facie evidence of the facts therein stated; and

(2) Deed as conveyance of title.—If the proceedings of the Commissioner or his delegate as set forth have been substantially in accordance with the provisions of law, such deed shall be considered and operate as a conveyance of all the right, title, and interest the party delinquent had in and to the real property thus sold at the time the lien of the State of Ala-

bama attached thereto.

(c) Effect of junior encumbrances.—A certificate of sale of personal property given or a deed to real property executed pursuant to Section 12 shall discharge such property from all liens, encumbrances, and titles over which the lien of the State of Alabama with respect to which the levy was made had priority.

(d) Effect of senior encumbrances.—A certificate of sale of personal property given or a deed to real property does applying paragraph (1) shall then be applied against such tax liability, including any penalty and interest, (and, if such tax was not previously assessed, it shall then be assessed);

(3) Liability of delinquent taxpayer.—The amount, if any, remaining after applying paragraphs (1) and (2) shall then be applied against the liability in respect of which the levy was made or the sale was conducted.

(b) Surplus proceeds.—Any surplus proceeds remaining after the application of subsection (a) shall be refunded by the Commissioner or his delegates to the person or persons legally entitled thereto.

Section 17. Authority to release levy and return property.

(a) Release of levy.—It shall be lawful for the Commissioner or his delegate to release the levy, and any liens, upon all or part of the property to rights to property levied upon where the Commissioner or his delegate, within their discretion, determines that such action will facilitate the collection of the liability or for other good reason that the levy should be released, but such release shall not operate to prevent any subsequent levy.

(b) Return of property.—If the Commissioner determines that property has been wrongfully levied upon, it shall be lawful for the Commissioner to return—

(1) the specific property levied upon,

(2) an amount of money equal to the amount of money levied upon, or—

(3) an amount of money equal to the amount of money received by the State of Alabama from a sale of such property.

(c) Interest.—Interest shall be allowed and paid at an annual rate established by law—

(1) in a case described in subsection (b)(2), from the date the Commissioner receives the money to a date (to be determined by the Commissioner) preceding the date of return by not more than 30 days, or

(2) in a case described in subsection (b)(3), from the date of the sale of the property to a date (to be determined by the Commissioner) preceding the date of return by not more than 30 days.

SUBCHAPTER B

LIMITATIONS ON ASSESSMENT AND COLLECTION

Section 18. Limitations on assessment—Income Tax.

The three year limitation period set out in Section 40-18-45(a), Code of Alabama 1975, for making income tax assessments shall be suspended upon the entry of a preliminary assessment by the Revenue Department.

Section 19. Collection after assessment.

Length of period.—Where the assessment of any tax imposed by this title has been begun or made within the period of limitation properly applicable thereto, such tax may be collected by levy or by a proceeding in court, but only if the levy is made or the proceeding begun —

(1) within 10 years after the final assessment of the tax, or

(2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner or his delegate and the taxpayer before the expiration of such 10-year period (or, if there is a release of levy under Section 17 after such 10-year period, then before such release).

The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. The period provided by this subsection during which a tax may be collected by levy shall not be extended or curtailed by reason of a judgment against the taxpayer.

(b) Date when levy is considered made.—The date on which a levy on property or rights to property is made shall be the date on which the notice of seizure provided in Section 9 is given.

Section 20. Suspension of running of period of limitation.

(a) General rule.—The running of the period of limitations provided in Section 18 or 19 on the making of assessments or the collection by levy or a proceeding in court shall be suspended for the period during which the Commissioner is prohibited from making the assessment or from collecting by levy or a proceeding in court and for 60 days thereafter.

(b) Assets of taxpayer in control or custody of court.—The period of limitations on collection after assessment prescribed in Section 18 or 19 shall be suspended for the period the assets of the taxpayer are in the control or custody of the court in any proceeding before any court of the State of Alabama, and for 6 months thereafter.

(c) Taxpayer outside State of Alabama.—The running of the period of limitations on collection after assessment prescribed in Section 18 or 19 shall be suspended for the period during which the taxpayer is outside the State of Alabama if such period of absence is for a continuous period of at least 6 months. If the preceding sentence applies and at the time of the taxpayer's return to the State of Alabama the period of limitations on collection after assessment prescribed in Section 18 or 19 would expire before the expiration of 6 months from the date of his return, such period shall not expire before the expiration of such months.

(d) Cases under title 11 of the United States Code (Bankruptcy). - The running of the period of limitations provided in Section 18 or 19 on the making of assessments or collection shall, in a case under title 11 of the United States Code (Bankruptcy), be suspended for the period during which the Commissioner is prohibited by reason of such case from making the assessment or from collecting and—

(1) for assessment, 6 months thereafter, and

(2) for collection, 6 months thereafter.

SUBCHAPTER C

ADDITIONS TO TAX AND PENALTIES

Section 21. Bad Checks.

If any check or money order in payment of any amount receivable under this title is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person who tendered such check, upon notice and demand by the Commissioner or his delegate, in the same manner as tax, an amount equal to 10 percent of the amount of such check, except that if the amount of such check is less than \$500, the penalty under this section shall be \$10 or the amount of the check, whichever is the lesser. This section shall not apply if the person tendered such check in good faith and with reasonable cause to believe that it would be duly paid, or settlement is made by the taxpayer within ten days after notification of receipt of a bad check by the Department.

Section 22. Automatic Refund.

Where the Department of Revenue determines that a taxpayer is entitled to a refund, the Department of Revenue shall automatically refund to that taxpayer the amount of any excess tax so paid to the State of Alabama; provided, however, that the statute of limitations provisions of the applicable tax law shall apply.

Section 23. Rules for application of assessable penalties.

(a) **Penalty assessed as tax.**—The penalties and liabilities provided by this subchapter shall be paid upon notice and demand by the Commissioner or his delegate, and shall be assessed and collected in the same manner as taxes. Except as otherwise provided, any reference in this title to "tax" imposed by this title shall be deemed also to refer to the penalties and liabilities provided by this subchapter.

(b) **Person defined.**—The term "person", as used in this subchapter, includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

Section 24. Failure to collect and pay over tax, or attempt to evade or defeat tax.

(a) **General rule.**—Any person required to collect, truthfully account for, and/or pay over any tax imposed by §§40-17-2, 40-17-220, 40-18-71, 40-21-82, 40-23-2, 40-23-61, 40-26-1, Code of Alabama 1975 and any other local sales, use, and gross receipts taxes collected by the State Department of Revenue who willfully fails to collect such tax, or truthfully account for, and/or pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable for a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over.

(b) **Extension of period of collection where bond is filed.** —

(1) **In general.**—If, within 30 days after the day on which notice and demand of any penalty under subsection (a) is made against any person, such person—

(A) pays an amount which is not less than the minimum amount required to commence a proceeding in court with respect to his liability for such penalty.

(B) files a claim for refund of the amount so paid, and

(C) furnishes a bond which meets the requirements of paragraph (3), no levy or proceeding in court for the collection of the remainder of such

penalty shall be made, begun, or prosecuted until a final resolution of a proceeding begun as provided in paragraph (2).

(2) Suit must be brought to determine liability for penalty. - If, within 30 days after the day on which his claim for refund with respect to any penalty under subsection (a) is denied, the person described in paragraph (1) fails to begin a proceeding in the appropriate court for the determination of his liability for such penalty; paragraph (1) shall cease to apply with respect to such penalty, effective on the day following the close of the 30-day period referred to in this paragraph.

(3) Bond.—The bond referred to in paragraph (1) shall be in such form and with such sureties as the Commissioner may by regulations prescribe and shall be in an amount equal to 1½ times the amount of excess of the penalty assessed over the payment described in paragraph (1).

(4) Suspension of running of period of limitations on collection. - The running of the period of limitations provided in section 18 on the collection by levy or, by a proceeding in court in respect of any penalty described in paragraph (1) shall be suspended for the period during which the Commissioner is prohibited from collecting by levy or a proceeding in court.

(5) Jeopardy collection.—If the commissioner makes a finding that the collection of the penalty is in jeopardy, nothing in this subsection shall prevent the immediate collection of such penalty.

Section 25. Fraudulent statement or failure to furnish statement to employee.

In addition to the criminal penalty provided by Section 33, any person required under this title to furnish a statement to an employee who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required shall for each such failure be subject to a penalty under this subchapter of \$50.

Section 26. False information with respect to withholding.

(a) Civil Penalty. — In addition to any criminal penalty provided by law, if —

(1) any individual makes a statement under Section 40-18-73 which results in a decrease in the amounts deducted and withheld under Section 40-18-71, and

(2) as of the time such statement was made, there was no reasonable basis for such statement, such individual shall pay a penalty of \$500 for such statement.

(b) Exception. — The Commissioner may waive (in whole or in part) the penalty imposed under subsection (a) if the taxes imposed with respect to the individual under Chapter 18 of Title 40, Code of Alabama 1975 for the taxable year are equal to or less than the sum of —

(1) the credits against such taxes allowed by Sections 40-18-21, 40-18-120 and 40-18-121, and

(2) the payments of estimated tax which are considered payments on account of such taxes.

SUBCHAPTER D

JEOPARDY

Section 27. Jeopardy Assessment for Income Tax.

- (a) If the Commissioner or his delegate finds that a taxpayer designs quickly to depart from the State of Alabama or to remove his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the income tax for the current or the preceding taxable year unless such proceedings be brought without delay, the Commissioner or his delegate shall declare the taxable period for such taxpayer immediately terminated, and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section, the finding of the Commissioner or his delegate, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of jeopardy.
- (b) Reopening of taxable period.—Notwithstanding the termination of the taxable period of the taxpayer by the Commissioner or his delegate, as provided in subsection (a), the Commissioner or his delegate may reopen such taxable period each time the taxpayer is found by the Commissioner or his delegate to have received income, within current taxable year, since a termination of the period under subsection (a). A taxable period so terminated by the Commissioner or his delegate may be reopened by the taxpayer if he files with the Commissioner or his delegate a true and accurate return of the items of gross income and of the deductions and credits allowed under this title for such taxable period, together with such other information required under this title. If the taxpayer is a nonresident, the taxable period so terminated may be reopened by him if he files, or causes to be filed, with the Commissioner or his delegate a true and accurate return of his total income derived from all sources within the State of Alabama, in the manner prescribed in this title.
- (c) Abatement if jeopardy does not exist.—The Commissioner or his delegate may abate the jeopardy assessment if he finds that jeopardy does not exist. The period of limitation on the making of assessments and levy or a proceeding in court for collection, in respect of any deficiency, shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the 10th day after the day on which such jeopardy assessment is abated.
- (d) when a jeopardy assessment has been as provided in subsection (a), the collection of all or any part of such assessment may be stayed by filing with the Commissioner or his delegate an approved bond conditioned upon the payment of the assessment together with applicable interest and costs of collection. The Commissioner or his delegate shall have sole discretion to approve or disapprove the bond, but such approval shall not be unreasonably withheld.
- (e) A final jeopardy assessment entered hereunder may be appealed to the appropriate circuit court of Alabama in the same manner as provided

under §40-2-22, Code of Alabama 1975.

Section 28. Jeopardy Assessment—Other taxes.

(a) If the Commissioner or his delegate finds that a taxpayer designs quickly to depart from the State of Alabama or to remove his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect any tax imposed by Title 40 other than income tax, the Commissioner or his delegate may issue notice of such finding to the taxpayer by personal service or mailing to his/her last known address, together with a demand for immediate payment of the tax declared to be in jeopardy, including penalties and additions thereto and such tax, penalty, interest and additions thereto shall be immediately due and payable. A final assessment of such tax may be entered immediately and if the assessment is not paid upon such demand of the Commissioner or his delegate, the Commissioner or his delegate may forthwith issue a warrant for levy and distraint of any personal property of the taxpayer which shall be collected in the same manner and with like effect as provided under subchapter A of this Act.

(b) In the case of a tax for a current period, the Commissioner or his delegate may declare the taxable period of the taxpayer immediately terminated and may at his discretion estimate the tax liability based upon the best information obtainable. Notice of such finding and declaration shall be issued to the taxpayer in the same manner as in subsection (a).

(c) When a jeopardy assessment has been made as provided in subsection (a), the collection of all or any part of such assessment may be stayed by filing with the Commissioner or his delegate an approved bond conditioned upon the payment of the assessment together with applicable interest and costs of collection. The Commissioner or his delegate shall have sole discretion to approve or disapprove the bond, but such approval shall not be unreasonably withheld.

(d) In any proceeding in court to contest the jeopardy assessment or to enforce payment of the taxes made due and payable by virtue of the provisions of this section, the finding of the Commissioner or his delegate, made as herein provided, shall be for all purposes presumptive evidence of jeopardy.

(e) A final jeopardy assessment entered hereunder may be appealed to the appropriate circuit court of Alabama in the same manner as provided under §40-2-22 Code of Alabama 1975.

SUBCHAPTER E

CRIMES

Section 29. Attempt to evade or defeat tax.

Any person who willfully attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 5 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

Section 30. Willful failure to collect or pay over tax.

Any person required under this title to collect, account for, and pay

over any tax imposed by this title who willfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

Section 31. Willful failure to file return, supply information, or pay tax.

Any person required under this title to pay any estimated tax or tax, or required by this title or by regulations made under authority thereof to make a return, (other than a return required under Section 40-18-82, Code of Alabama 1975), keep any records, or supply any information, who willfully fails to pay such estimated tax or tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$25,000 (\$100,000 in the case of a corporation), or imprisoned not more than 1 year, or both, together with the costs of prosecution. In the case of any person with respect to whom there is a failure to pay any estimated tax, this section shall not apply to such person with respect to such failure if there is no addition to tax under Section 40-18-80(d) and (e), Code of Alabama 1975, as amended, with respect to such failure.

Section 32. Fraudulent statement or failure to make statement to employees.

In lieu of any other penalty provided by law (except the penalty provided by Section 26) any person required under the provisions of Section 40-18-75, Code of Alabama 1975, to furnish a statement who willfully furnishes a false or fraudulent statement or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under Section 40-18-75, Code of Alabama 1975, or regulations prescribed thereunder, shall, for each offense, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

Section 33. Fraudulent withholding exemption certificate or failure to supply information.

Any individual required to supply information to his employer under Section 40-18-73, Code of Alabama 1975, who willfully supplies false or fraudulent information, or who willfully fails to supply information thereunder which would require an increase in the tax to be withheld under Section 40-18-73, Code of Alabama 1975, shall, in lieu of any other penalty provided by law, upon conviction thereof, be fined not more than \$500, or imprisoned not more than 1 year, or both.

Section 34. Fraud and false statements.

Any person who—

(1) **Declaration under penalties of perjury.**—Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or

(2) **Aid or assistance.**—Willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the state revenue laws, of a return, affidavit,

claim, or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document; or

(3) Fraudulent bonds, permits, and entries.—Simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of this title, or by any regulation made in pursuance thereof, or procures the same to be falsely or fraudulently executed, or advises, aids in, or connives at such execution thereof, or

(4) Removal or concealment with intent to defraud.—Removes, deposits, or conceals, or is concerned in removing, depositing, or concealing, any goods or commodities for or in respect whereof any tax is or shall be imposed, or any property upon which levy is authorized by Section 6, with intent to evade or defeat the assessment or collection of any tax imposed by this title;

shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 3 years, or both, together with the costs of prosecution as determined and ordered distributed by the trial court.

Section 35. Fraudulent returns, statements, or other documents.

Any person who willfully delivers or discloses to the Commissioner or his delegate any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both. Any person required pursuant to this title to furnish any information to the Commissioner or his delegate who willfully furnishes to the Commissioner or his delegate any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both.

Section 36. Failure to obey subpoena.

Any person who, being duly subpoenaed to appear to testify, or to appear and produce books, accounts, records, memoranda, or other papers, as required under Section 40-2-11(7) and (8), Code of Alabama 1975, or any other section in this title requiring the production of information, neglects or fails to appear without cause or to produce such books, accounts, records, memoranda, or other papers without cause, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both, together with costs of prosecution as determined and ordered distributed by the trial court.

Section 37. Attempts to interfere with administration of state revenue laws—Taxpayer protection from harassment.

(a) Corrupt or forcible interference.—Whoever corruptly or by force or threats of force (including any threatening letter or communication) endeavors to intimidate or impede any officer or employee of the State of Alabama acting in an official capacity under this title, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or endeavors to obstruct or impede the due administration of this title, shall, upon conviction thereof, be fined not more than \$5,000, or imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person con-

victed thereof shall be fined not more than \$3,000, or imprisoned not more than 1 year, or both. The term "threats of force", as used in this subsection, means threats of bodily harm to the officer or employee of the State of Alabama or to a member of his family.

(b) **Forcible rescue of seized property.**—Any person who forcibly rescues or causes to be rescued any property after it shall have been seized under this title, or shall attempt or endeavor so to do, shall, excepting in cases otherwise provided for, for every such offense, be fined not more than \$500, or not more than double the value of the property so rescued, whichever is the greater, or be imprisoned not more than 2 years.

(c) Any employee of the State Revenue Department acting in an official capacity under the provisions of this title who by unlawful force or threats of force endeavors to intimidate or harass a taxpayer, upon determination by a special board to be appointed by the State Personnel Department that the charge is valid, shall be subject to immediate dismissal, and upon such dismissal may be subject to such penalties as provided under this section. The term "threats of force" as used in this subsection means threats of bodily harm to the taxpayer or to a member of his family.

Section 38. Periods of limitation on criminal prosecutions.

No person shall be prosecuted, tried, or punished for any of the various offenses arising under the revenue laws unless the indictment is found or the prosecution instituted within 3 years next after the commission of the offense, except that the period of limitation shall be 6 years—

(1) for offenses involving the defrauding or attempting to defraud the State of Alabama or any agency thereof, whether by conspiracy or not, and in any manner;

(2) for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof;

(3) for the offense of willfully aiding or assisting in, or procuring, counseling, or advising, the preparation or presentation under, or in connection with any matter arising under, the statute revenue laws, of a false or fraudulent return, affidavit, claim or document (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document);

(4) for the offense of willfully failing to pay any tax, or make any return at the time or times required by law or regulations;

(5) for offenses described in Sections 34 and 35 (relating to false statements and fraudulent documents);

(6) for the offense described in Section 37 (relating to intimidation of officers and employees of the State of Alabama);

The time during which the person committing any of the various offenses arising under the revenue laws is outside the State of Alabama or is a fugitive from justice within the meaning of the State of Alabama Code, shall not be taken as any part of the time limited by law for the commencement of such proceedings.

Section 39. The Commissioner of Revenue will file a report in one year periods of the effective date of this Act for a period of five years that states the amount of additional tax money that was collected as the result of this Act. This report shall be delivered to each Legislator and each Constitutional officer.

Section 40. All laws or parts of laws which conflict with this Act are repealed.

Section 41. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 42. This Act shall become effective the first day of January, 1984.

REPORT OF COMMITTEE ON CONFERENCE ADOPTED

On motion of Rep. Johnson (Roy), the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 13, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 84; Nays 6.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, Marietta, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Reed, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—84

Nays:

Reps. Harper, McMillan, McNair, Payne, Penry and Rice.

—6

And the bill:

H. 13. The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 82; Nays 8.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, Marietta, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Reed, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—82

Nays:

Reps. Faulk, Johnson (R.G.), McKee, McMillan, McNair, Payne, Penry and Rice.

—8

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 3. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and or amphetamine like anorectic drug or compound and or any sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions

of this act.

McDOWELL, LEE
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 26. To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2 and 40-20-8, so as to provide for a definition of "submerged lands", "offshore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 25 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; to repeal conflicting laws; provide certain taxing limits on local government entities; and provide for an effective date.

McDOWELL, LEE
Secretary.

RECESS

On motion of Rep. Johnson (Roy), the House stood in temporary recess.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 13. The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

And said Bill, H. B. 13, together with the Conference Report, is herewith returned to the House.

McDOWELL, LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 133. URGING THE INTERSTATE COMMERCE COMMISSION TO GRANT CSX CORPORATION AUTHORITY TO OPERATE BARGE LINES.

Also:

H. J. R. 140. HONORING MRS. THELMA AUSTIN RICE UPON HER RETIREMENT FROM ALABAMA STATE UNIVERSITY.

Also:

H. J. R. 142. EXPRESSING APPRECIATION TO THE ROTUNDA TELEPHONE OPERATORS FOR THEIR COURTEOUS ASSISTANCE TO MEMBERS OF THE LEGISLATURE.

Also:

H. J. R. 143. COMMENDING MRS. CLYDE SHIPLEY OF THE TOWN OF MOUNDVILLE.

Also:

H. J. R. 145. COMMENDING MR. AND MRS. OLIN SHEPPARD OF ROANOKE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

McDOWELL, LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 147. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That Senate Joint Resolution No. 54 (Stating and clarifying legislative intent and recommending action to the University of South Alabama Board of Trustees and Foundation) is hereby given a favorable report. This Rules Committee Report takes precedence over all pending business or other special orders before the House, and a vote shall be taken on the final passage of said resolution on Thursday, December 15, 1983, at 4:00 P.M.

MOTION TO ADOPT

Rep. Clark (J) offered the motion that the House adopt the resolution, H. R. 147.

SUBSTITUTE OFFERED

Rep. Box offered the following substitute #1 to the resolution H. R. 147:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That Senate Joint Resolution No. 54 (Stating and clarifying legislative intent and recommending action to the University of South Alabama Board of Trustees and Foundation) is hereby given a favorable report. This Rules Committee Report takes precedence over all pending business and other special or-

ders before the House.

SUBSTITUTE TABLED

On motion of Rep. Johnson (Roy), the substitute #1 offered by Rep. Box to the resolution, H. R. 147, was tabled.

Yeas 41; Nays 33.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Escott, Goodwin, Grayson, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Lauderdale, McDowell, Mathis, Melton, Newman, Nicholson, Parker, Perdue, Poole, Reed, Rogers, Smith, Spratt and Starkey.

—41

Nays:

Reps. Beers, Black, Boles, Box, Brooks, Buskey (James), Buskey (John), Carothers, Clark (W), Cosby, Gaston, Gray, Harper, Hooper, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, McNair, Marietta, Mikell, Onderdonk, Payne, Penry, Rice, Seibels, Starr, Turner, Turnham, White (G), White (L) and Zoghby.

—33

SUBSTITUTE OFFERED

Rep. Box offered the following substitute #2 to the resolution, H. R. 147:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That Senate Joint Resolution No. 54 (Stating and clarifying legislative intent and recommending action to the University of South Alabama Board of Trustees and Foundation) is hereby given a favorable report. This Rules Committee Report takes precedence over all pending business or other special orders before the House, and a vote shall be taken on the final passage of said resolution on Friday, December 16, 1983, at 12:00 noon.

SUBSTITUTE TABLED

On motion of Rep. Johnson (Roy), the substitute #2 offered by Rep. Box to the resolution, H. R. 147, was tabled.

Yeas 42; Nays 38.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Clark (D), Clark (J), Coburn, Crow, Davis, Escott, Goodwin, Gray, Grayson, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Lauderdale, McDowell, Mathis, Melton, Mitchell, Newman, Nicholson, Parker, Perdue, Poole, Pratt, Reed, Rogers, Spratt and Starkey.

—42

Nays:

Reps. Beers, Black, Box, Brooks, Buskey (James), Buskey (John), Carothers, Clark (W), Cosby, Faulk, Flowers, Fuller, Gaston, Hammett,

Harper, Hettinger, Hooper, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, McNair, Marietta, Mikell, Onderdonk, Payne, Penry, Preuitt, Rice, Seibels, Starr, Turner, Turnham, Warren, White (G), White (L) and Zoghby.

—38

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 3. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and or amphetamine like anorectic drug or compound and or any sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

Also:

H. 26. To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2, and 40-20-8, so as to provide for a definition of "submerged lands", "off-shore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 25 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; to repeal conflicting laws; provide certain taxing limits on local government entities; and provide for an effective date.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 13. The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF THE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 133. URGING THE INTERSTATE COMMERCE COMMISSION TO GRANT CSX CORPORATION AUTHORITY TO OPERATE BARGE LINES.

Also:

H. J. R. 140. HONORING MRS. THELMA AUSTIN RICE UPON HER RETIREMENT FROM ALABAMA STATE UNIVERSITY.

Also:

H. J. R. 142. EXPRESSING APPRECIATION TO THE ROTUNDA TELEPHONE OPERATORS FOR THEIR COURTEOUS ASSISTANCE TO MEMBERS OF THE LEGISLATURE.

Also:

H. J. R. 143. COMMENDING MRS. CLYDE SHIPLEY OF THE TOWN OF MOUNDVILLE.

Also:

H. J. R. 145. COMMENDING MR. AND MRS. OLIN SHEPPARD OF ROANOKE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

And finds same correctly enrolled.

JIMMY CLARK.
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 3. To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in *pari materia* with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

Also:

S. 5. To amend Act No. 83-75 enacted at the 1983 First Special Session of the Legislature of Alabama, as amended, which act relates to the power of counties to issue warrants to finance the costs of necessary public buildings, bridges and roads; to authorize each county in the State of Alabama to sell and issue from time to time warrants for the purpose of paying the costs of acquiring (by construction, purchase or otherwise) public facilities which such county is authorized to acquire by laws other than this act; to define public facilities and other particular terms used in the substantive provisions of this act; to authorize the county commission of each county issuing warrants pursuant to the provisions of this act to determine whether such warrants shall be general obligations of such county or limited obligations payable solely from a specified source; to authorize such county commission to determine, within the constraints of this act, the terms and conditions of such warrants; to provide that certain taxes, revenues and other funds may be pledged as additional security for general obligation warrants

issued under the provisions of this act; to provide that certain taxes, revenues and other funds may be pledged as the sole source of payment for limited obligation warrants issued under the provisions of this act; to specify the effect and priority of any such pledges; to authorize the issuance of refunding warrants and to specify the nature of the debt that may be refunded thereby; to provide that warrants issued under the provisions of this act shall be legal investments; to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county; to provide that the provisions of this act shall control over inconsistent provisions of other laws; and to provide that the provisions of this act shall be severable.

Also:

S. 10. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

Also:

S. 13. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, bearing compound interest or no interest, computed and payable at such time or times as may be provided, or at a discount equivalent to compound interest, and that this act is declarative of existing law.

Also:

S. 16. Relating to military affairs and civil defense; amending: Section 31-2-28, Code of Alabama 1975, relating to the organization of the state guard; Section 31-2-9, Code of Alabama 1975, pertaining to the separate powers of the governor and adjutant general over the guard separate from federal control; and Section 31-2-10 relating to appropriations for the state guard, so as to change the name from state guard to state defense force and to authorize the governor to call the state defense force into temporary action.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

H. R. 147 RESUMED SUBSTITUTE OFFERED

Rep. Box offered the following substitute #3 to the resolution, H. R. 147:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That

Senate Joint Resolution No. 54 (Stating and clarifying legislative intent and recommending action to the University of South Alabama Board of Trustees and Foundation) is hereby given a favorable report. This Rules Committee Report takes precedence over all pending business or other special orders before the House, and a vote shall be taken on the final passage of said resolution on Friday, December 16, 1983, at 9:00 A.M.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Buskey (James) offered the following substitute to the substitute #3 offered by Rep. Box, to the resolution, H. R. 147:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That Senate Joint Resolution No. 54 (Stating and clarifying legislative intent and recommending action to the University of South Alabama Board of Trustees and Foundation) is hereby given a favorable report. This Rules Committee Report takes precedence over all pending business or other special orders before the House, and a vote shall be taken on the final passage of said resolution on Friday, December 16, 1983, at 11:00 A.M.

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Rep. Johnson (Roy), the substitute offered by Rep. Buskey (James) to the substitute offered by Rep. Box to the resolution, H. R. 147, was tabled.

Yeas 45; Nays 41.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Escott, Goodwin, Gray, Grayson, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, McDowell, Mathis, Melton, Mitchell, Newman, Nicholson, Parker, Perdue, Poole, Pratt, Reed, Rogers, Smith, Spratt and Starkey.

—45

Nays:

Reps. Beers, Black, Blakeney, Box, Brooks, Buskey (James), Buskey (John), Carothers, Clark (W), Cosby, Faulk, Flowers, Fuller, Gaston, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, McNair, Marietta, Mikell, Onderdonk, Payne, Penry, Preuitt, Rice, Seibels, Starr, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—41

H. R. 147 RULED OUT OF ORDER

At the hour of 4:05 o'clock p.m., the Speaker ruled the resolution, H. R. 147, and the pending amendment out of order.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 54. STATING AND CLARIFYING LEGISLATIVE INTENT AND RECOMMENDING ACTION TO THE UNIVERSITY OF SOUTH

ALABAMA BOARD OF TRUSTEES AND FOUNDATION.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Box to indefinitely postpone the resolution S. J. R. 54, was lost.

Yeas 41; Nays 44.

Yeas:

Reps. Beers, Black, Blakeney, Box, Brooks, Buskey (James), Buskey (John), Carothers, Clark (W), Cosby, Faulk, Flowers, Fuller, Gaston, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, McNair, Marietta, Mikell, Onderdonk, Payne, Penry, Preuit, Rice, Seibels, Starr, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—41

Nays:

Mr. Speaker, Adams, Albright, Blake, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Escott, Goodwin, Grayson, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, McDowell, Mathis, Melton, Newman, Nicholson, Parker, Perdue, Poole, Reed, Rogers, Smith, Spratt, Starkey, Tanner and Trammell.

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AMENDMENT OFFERED

Rep. Payne offered the following amendment to the resolution, S. J. R. 54:

Amend Senate Joint Resolution 54, page 8, line 26, after the word "Alabama" by inserting the following:

, except House District 44,

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Payne to the resolution, S. J. R. 54, was tabled.

Yeas 44; Nays 37.

Yeas:

Mr. Speaker, Adams, Blake, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Escott, Goodwin, Grayson, Grimsley, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, McDowell, Mathis, Melton, Newman, Nicholson, Parker, Perdue, Poole, Reed, Rogers, Smith, Spratt, Starkey, Tanner and Trammell.

—44

Nays:

Reps. Beers, Black, Blakeney, Box, Brooks, Buskey (James), Clark (W), Cosby, Faulk, Fuller, Gaston, Hammett, Harper, Hooper, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, McNair, Marietta, Mikell, Onderdonk, Payne, Penry, Preuit, Rice, Seibels, Starr, Turner, Turnham,

Venable, Warren, White (F), White (G), White (L) and Zoghby.

—37

The resolution, S. J. R. 54, was adopted viva voce.

Yeas 44; Nays 41.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Escott, Goodwin, Grayson, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, McDowell, Mathis, Melton, Newman, Nicholson, Parker, Perdue, Poole, Reed, Rogers, Smith, Spratt, Starkey, Tanner and Trammell.

—44

Nays:

Reps. Bachus, Beers, Black, Blakeney, Box, Brooks, Buskey (James), Buskey (John), Carothers, Clark (W), Cosby, Faulk, Fuller, Gaston, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, McNair, Marietta, Mikell, Onderdonk, Payne, Penry, Preuitt, Rice, Seibels, Starr, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—41

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Martin abstained from voting on the resolution, S. J. R. 54, because of his position on the Board of Trustees of Troy State University.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

By Senators Mitchem, Little, and Barron:

S. 11. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purpose of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of

funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-24-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Senators: Mitchem, Cabaniss, and Holmes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 11.

Yeas 65; Nays 3.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Blake, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Carothers, Clark (D), Clark (J), Coburn, Coleman, Davis, Faulk, Fuller, Gaston, Grayson, Grimsley, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, Martin, Mathis, Melton, Newman, Nicholson, Perdue, Poole, Preuitt, Rains, Reed, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and White (L).

—65

Nays: Reps. Harper, McNair and Rice.

—3

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Clark (J), Smith and Trammell.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration.

By Senators Dial, Goodwin, and Teague:

S. J. R. 56. COMMENDING BOBBY ALLISON.

McDOWELL LEE,
Secretary.

JOURNAL OF THE HOUSE, 1983
9th Day

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 56, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Bennett, Parsons, Ellis, Cabaniss, and Amari:

S. J. R. 52. REQUESTING THE JEFFERSON COUNTY COMMISSION TO PROVIDE ALL POSSIBLE ASSISTANCE IN RE-OPENING THE MORGAN ROAD BRIDGE.

Also:

By Senator Aldridge:

S. J. R. 55. COMMENDING CRIMSON TIGER, KERRY GOODE, TOP SEC ROOKIE OF THE YEAR.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Boles, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 52, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 55, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Hilliard and Bennett:

S. J. R. 61. REQUESTING RECONSIDERATION BY THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY BOARD WITH REGARD TO ITS DECISION OF DECEMBER 13, 1983, TO DISAPPROVE THE IN-VITRO FERTILIZATION PROGRAM FOR BIRMINGHAM'S UNIVERSITY HOSPITALS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 61, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Aldridge, Cooley, and Denton:

S. J. R. 58. URGING THE INTERSTATE COMMERCE COMMISSION TO GRANT CSX CORPORATION AUTHORITY TO OPERATE BARGE LINES.

Also:

By Senators Drinkard, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 65. COMMEMORATING THE DEATH OF PRESIDENT JOHN FITZGERALD KENNEDY.

Also:

By Senator Teague:

S. J. R. 68. RELATIVE TO ADJOURNING SINE DIE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 65, S. J. R. 58 and S. J. R. 68, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Payne:

H. R. 148. WHEREAS, the Representative from House District 44 has chosen not to vote in accord with the general consensus of this body, now therefore;

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That House District 44 be exempt from S. J. R. 54.

MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Rep. Payne to suspend the rules and adopt the resolution, H. R. 148, was lost.

The resolution, H. R. 148, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Preuitt, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler,

Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 149. COMMENDING WILLIAM G. "GREG" PAPPAS.

WHEREAS, William G. "Greg" Pappas, Assistant to the Clerk of the House of Representatives, has acted in the capacity of Clerk during this Fourth Extraordinary Session; and

WHEREAS, Greg has ably assisted the Speaker of the House in keeping the many motions in order; and

WHEREAS, Greg also served in his usual position as Reading Clerk, reading numerous bills and resolutions at length; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That William G. "Greg" Pappas is hereby commended for the proficient manner in which he has handled his duties.

BE IT FURTHER RESOLVED, That Greg receive a copy of this resolution as a token of our appreciation for a job well done.

On motion of Rep. Preuitt, the rules were suspended and the resolution, H. R. 149, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Rains:

H. R. 150. COMMENDING MR. AND MRS. HARRISON GUNTER OF GERALDINE, ALABAMA, AS "TCT MERCHANT OF THE WEEK."

S. J. R. 5 TAKEN UP

The resolution, S. J. R. 5 and pending substitutes, which was temporarily postponed on the seventh legislative day, was taken up.

SUBSTITUTE TO SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Starr to the substitute reported by the Standing Committee on Rules to the resolution, S. J. R. 5, and the substitute offered by Rep. Starr, was adopted.

And the resolution, S. J. R. 5 as amended, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution

and ordered same returned to the House with a favorable report:

H. J. R. 141. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of South Alabama is hereby encouraged to adopt an Affirmative Action Program in hiring policy in order to eliminate racial discrimination in employment among its faculty and staff.

BE IT FURTHER RESOLVED, That the University of South Alabama, is hereby encouraged to actively support the placement of blacks on its Board of Trustees.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Penry to indefinitely postpone the resolution, H. J. R. 141, was lost.

Yeas 26; Nays 26.

Yeas:

Reps. Blakeney, Clark (J), Clark (W), Coleman, Faulk, Fuller, Gaston, Harper, Hooper, Kennedy, Kvalheim, Laird, McKee, McMillan, Marietta, Mikell, Onderdonk, Penry, Rains, Rice, Starkey, Starr, Turnham, White (F), White (L) and Zoghby.

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Nays:

Mr. Speaker, Adams, Albright, Bowling, Bryant, Bugg, Buskey (John), Coburn, Davis, Escott, Gray, Grayson, Hall, Holley, Holmes, Horn, Johnson (Roy), McDowell, McNair, Melton, Perdue, Poole, Reed, Rogers, Smith and Spratt.

—26

H. J. R. 141 TEMPORARILY POSTPONED

On motion of Rep. Harper, the resolution H. J. R. 141, was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 11. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a

participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE SENATE BILL 11

We, the Committee of Conference appointed to reconcile the differences between the two Houses concerning Senate Bill 11, have met and considered the matter referred and beg leave to report as follows:

Said Conference Committee recommends that the bill be amended as follows:

On Page 7, Section 4, line 16, after the period following the word "herein" add the following:

"The authorization for the Authority to issue additional bonds in aggregate principal amount to provide the initial capital of up to \$3,000,000 for said revolving loan fund shall be contingent upon the passage by the legislature and the signature of the Governor or upon its otherwise becoming law of appropriate funding measures to provide additional revenue to cover the debt service on said bonds and cause no state department, board, bureau or agency to have a reduction in receipts now provided."

Conferees on part of the Senate

HINTON MITCHEM,

W. J. CABANISS, JR.,

DONALD G. HOLMES

Conferees on part of the House

JAMES A. CLARK,

CURTIS SMITH,

HOYT W. TRAMMELL

And said Bill, S. B. 11, together with the Report of the Committee on

Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Clark (J), the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 11, said Report being set out in the above and foregoing Message from the Senate.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Blakeney, Bowling, Brooks, Browder, Bugg, Buskey (John), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Fuller, Gaston, Grayson, Hall, Harper, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McDowell, McKee, Marietta, Martin, Melton, Mikell, Newman, Penry, Poole, Preuitt, Rains, Reed, Rice, Rogers, Smith, Spratt, Starkey, Tanner, Turner, Turnham, Warren, White (F), White (G) and Zoghby.

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And the bill, S. 11 as amended by the Report of the Committee on Conference was again read at length and passed.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Blake, Blakeney, Bowling, Brooks, Browder, Bugg, Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Fuller, Gaston, Grayson, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McDowell, McKee, Marietta, Martin, Mikell, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Rogers, Smith, Spratt, Starkey, Tanner, Turner, Turnham, White (F), White (G), White (L) and Zoghby.

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REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, (J), the rules were suspended and the reading at length of the Journal of the House for the ninth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted and the Journal for the ninth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

By Senators Dixon and Langford:

S. J. R. 5. ESTABLISHING JOINT INTERIM CAPITOL COMPLEX OVERSIGHT COMMITTEE AND DEFINING THE BOUNDARIES OF SAID AREA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolutions, your signature thereto is requested:

S. 11. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Also:

S. J. R. 5. ESTABLISHING JOINT INTERIM CAPITOL COMPLEX OVERSIGHT COMMITTEE AND DEFINING THE BOUNDARIES OF SAID AREA.

RIES OF SAID AREA.

Also:

S. J. R. 52. REQUESTING THE JEFFERSON COUNTY COMMISSION TO PROVIDE ALL POSSIBLE ASSISTANCE IN RE-OPENING THE MORGAN ROAD BRIDGE.

Also:

S. J. R. 54. STATING AND CLARIFYING LEGISLATIVE INTENT AND RECOMMENDING ACTION TO THE UNIVERSITY OF SOUTH ALABAMA BOARD OF TRUSTEES AND FOUNDATION.

Also:

S. J. R. 55. COMMENDING CRIMSON TIGER, KERRY GOODE, TOP SEC ROOKIE OF THE YEAR.

Also:

S. J. R. 56. COMMENDING BOBBY ALLISON.

Also:

S. J. R. 58. URGING THE INTERSTATE COMMERCE COMMISSION TO GRANT CSX CORPORATION AUTHORITY TO OPERATE BARGE LINES.

Also:

S. J. R. 61. REQUESTING RECONSIDERATION BY THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY BOARD WITH REGARD TO ITS DECISION OF DECEMBER 13, 1983, TO DISAPPROVE THE IN-VITRO FERTILIZATION PROGRAM FOR BIRMINGHAM'S UNIVERSITY HOSPITALS.

Also:

S. J. R. 65. COMMEMORATING THE DEATH OF PRESIDENT JOHN FITZGERALD KENNEDY.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns the same herewith to the House:

H. J. R. 125. AMENDING ACT NO. 83-72, HJR 24, 1983 1ST SPECIAL SESSION, WHICH CREATED AN INTERIM COMMITTEE ON FINANCES AND BUDGETS, SO AS TO INCREASE THE MEMBER-

SHIP ON THE COMMITTEE.

McDOWELL LEE,
Secretary.REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 125. AMENDING ACT NO. 83-72, HJR 24, 1983 1ST SPECIAL SESSION, WHICH CREATED AN INTERIM COMMITTEE ON FINANCES AND BUDGETS, SO AS TO INCREASE THE MEMBERSHIP ON THE COMMITTEE.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:15 A.M. on December 15, 1983.

H. J. R. 75

H. J. R. 86

H. J. R. 87

H. J. R. 88

H. J. R. 89

H. J. R. 90

H. J. R. 93

H. J. R. 94

H. J. R. 96

H. J. R. 100

H. J. R. 111

H. J. R. 112

H. J. R. 114

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9th Day

297

H. J. R. 117

H. J. R. 126

H. J. R. 130

Delivered to the Governor at 4:10 P. M. on December 15, 1983.

H. 3

H. 26

H. 13

H. J. R. 133

H. J. R. 140

H. J. R. 142

H. J. R. 143

H. J. R. 1454

Delivered to the Governor at 5:40 P.M. on December 15, 1983.

H. J. R. 125

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Mathis and pursuant to the resolution, S. J. R. 68, heretofore adopted, the House adjourned sine die at 5:09 o'clock p.m.

JOHN W. PEMBERTON
Clerk of the House of Representatives
of the Legislature of Alabama,
Fourth Extraordinary Session, 1983.

HOUSE OF REPRESENTATIVES
FOURTH EXTRAORDINARY SESSION, 1983
ALPHABETICAL ROSTER AND DISTRICT NUMBER

Charles Adams, 83	Fred Horn, 53
Robert E. Albright, 21	Ron G. Johnson, 33
Spencer Bachus, 46	Roy Johnson, 63
Greg Beers, 48	Bobby M. Junkins, 30
Jack Biddle, III, 43	Yvonne Kennedy, 103
Lucius Black, Sr., 67	Ken Kvalheim, 101
A. J. Blake, 42	Richard Laird, 37
Harrell Blakeney, 66	Jack B. Lauderdale, 17
Hugh Boles, 50	Richard J. Lindsey, 39
W. C. (Bill) Bowling, 12	Bobby G. McDowell, 56
Mike Box, 96	Bob McKee, 74
Carl C. Brakefield, 14	Stephen A. McMillan, 95
Charlie Britnell, 18	Chris McNair, 57
Morris J. (Mo) Brooks, Jr., 10	Beth Marietta, 104
Glen Browder, 34	Charles B. Martin, 8
Jenkins Bryant, Jr., 68	Nathan Mathis, 87
June Bugg, 29	Bryant Melton, Jr., 61
Ralph Burke, 24	Mike Mikell, 76
James E. Buskey, 99	Earl Mitchell, 15
John L. Buskey, 77	Sonny Moore, 41
Tom Butler, 6	Max Newman, 16
James M. Campbell, 36	Tom Nicholson, 13
Joe Carothers, Jr., 86	Michael Onderdonk, 65
Tommy Carter, 5	Paul Parker, 9
Denzel L. Clark, 4	Arthur Payne, 44
James S. Clark, 84	Walter E. Penry, Jr., 94
William Clark, 98	George Perdue, 54
Tom Coburn, 2	Phil Poole, 62
Loyd Coleman, 25	Jack Pratt, 49
W. F. (Noopie) Cosby, Jr., 70	Jim Prewitt, 32
Bobby C. Crow, 35	T. Euclid Rains, Sr., 26
Pat Davis, 58	Thomas Reed, 82
Tom Drake, 11	John Rice, 80
Roger D. Dutton, 7	Ben T. Richardson, 23
Sundra E. Escott, 60	John W. Rogers, 52
Dwight Faulk, 90	James G. Sasser, 88
Steve Flowers, 89	George G. Seibels, Jr., 47
Joe Ford, 28	Curtis Smith, 72
Bill Fuller, 38	Lewis G. Spratt, 59
Victor Gaston, 100	Nelson R. Starkey, Jr., 1
J. W. (Joe) Goodwin, 3	John Starr, Jr., 75
Billy Gray, 45	John F. Tanner, 40
George Grayson, 19	James Louis Thomas, 69
George H. Grimsley, 85	Hoyt W. Trammell, 51
E. A. Grouby, Jr., 71	J. E. Turner, 102
Albert Hall, 22	Pete Turnham, 79
Seth Hammett, 92	Jack B. Venable, 31
Taylor Harper, 105	J. E. (Jimmy) Warren, 64
Bob Harvey, 27	Frank P. White, 93
Steve Hettinger, 20	Gary White, 55
Jimmy W. Holley, 91	Lester White, 81
Alvin Holmes, 78	Mary S. Zoghby, 97
Perry O. Hooper, Jr., 73	

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA**

FOURTH EXTRAORDINARY SESSION, 1983

OFFICERS

TOM DRAKE, *Speaker*, Cullman

ROY JOHNSON

Speaker Pro-Tem, Tuscaloosa

JOHN W. PEMBERTON, *Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Nelson R. Starkey, Jr.	301 North Pine Street, Florence 35630
2	COLBERT	Tom Coburn	1107 E. 3rd St., Tuscumbia 35674
3	COLBERT, LAUDERDALE	J. W. (Joe) Goodwin	310 Ford Rd., Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE	Denzel L. Clark	Rt. 2, Box 91, Killen 35645
5	LIMESTONE	Tommy Carter	Rt. 2, Box 72, Elkmont 35620
6	MADISON	Tom Butler	1803 Forney Dr., Huntsville 35805
7	LAWRENCE, MORGAN	Roger D. Dutton	R. R. No. 2, Trinity 35673
8	MORGAN	Charles B. Martin	P. O. Box 2538, Decatur 35602
9	MORGAN	Paul Parker	303 N. Douglas St., Hartselle 35640
10	MADISON	Morris J. "Mo" Brooks, Jr.	9009 Randall Rd., Huntsville 35802
11	CULLMAN, MORGAN	Tom Drake	P. O. Box 1165, Cullman 35055
11	CULLMAN	Bill Bowling	Rt. 2, Box 349, Hanceville 35077
13	WALKER	Tom Nicholson	P. O. Box 248, Jasper 35501
14	TUSCALOOSA, WALKER	Carl C. Brakefield	P. O. Box G, Carbon Hill 35549
15	PICKENS, TUSCALOOSA	Earl Mitchell	P. O. Box 426, Northport 35476
16	FAYETTE, LAMAR, MARION	Max Newman	P. O. Box 428, Millport 35576

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 17 **MARION, WINSTON**
Jack B. Lauderdale Rt. 1, Box 238, Hamilton 35570
- 18 **FRANKLIN, MARION**
Charlie Britnell Rt. 2, Box 376, Russellville 35653
- 19 **MADISON**
George Grayson P. O. Box 38, Normal 35762
- 20 **MADISON**
Steve Hettinger 100 Calhoun St., Huntsville 35801
- 21 **MADISON**
Robert E. Albright 2024 Stanhope Dr., Huntsville 35811
- 22 **JACKSON, MADISON**
Albert Hall P. O. Box 275, Gurley 35748
- 23 **JACKSON**
Ben T. Richardson P. O. Box 1017, Scottsboro 35768
- 24 **DEKALB**
Ralph Burke P. O. Box 876, Fort Payne 35967
- 25 **MARSHALL**
Lloyd Coleman P. O. Box 67, Arab 35016
- 26 **DEKALB, MARSHALL**
T. Euclid Rains, Sr. Rt. 1, Box 326, Albertville 35950
- 27 **BLOUNT**
Bob Harvey Rt. 4, Box 708, Oneonta 35121
- 28 **ETOWAH**
Joe Ford Gadsden State Jr. College,
George Wallace Dr., Gadsden 35901
- 29 **ETOWAH**
June Bugg 610 S. 5th St., Gadsden 35901
- 30 **ETOWAH, ST. CLAIR**
Bobby M. Jenkins 254 College St., Gadsden 35901
- 31 **COOSA, ELMORE**
Jack B. Venable P. O. Box 736, Tallassee 36078
- 32 **TALLADEGA**
Jim Preuitt P. O. Box 1063, Talladega 35160
- 33 **TALLADEGA**
Ron G. Johnson Rt. 5, Box 17, Sylacauga 35150
- 34 **CALHOUN**
Glen Browder Rt. 2, Box 316, Jacksonville 36265
- 35 **CALHOUN**
Bobby C. Crow Rt. 10, Box 842, Anniston 36201
- 36 **CALHOUN**
James M. Campbell P. O. Box 2003, Anniston 36302

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- 37 **CHAMBERS, RANDOLPH, CLAY**
Richard Laird 46 Randolph Plaza, Roanoke 36274
- 38 **CHAMBERS**
Bill Fuller 118 S. LaFayette St., LaFayette 36862
- 39 **CHEROKEE, CLEBURNE, DEKALB**
Richard J. Lindsey Rt. 2, Box 394, Centre 35960
- 40 **BIBB, SHELBY**
John F. Tanner P. O. Box 37, Pelham 35214
- 41 **SHELBY**
Sonny Moore P. O. Box 44, Sterrett 35147
- 42 **ST. CLAIR**
A. J. Blake Rt. 1, Box 206A, Pell City 35125
- 43 **JEFFERSON**
Jack Biddle, III 2256 Pinehurst Dr., Gardendale 35071
- 44 **JEFFERSON**
Arthur Payne 2825 2nd St., N.W., Birmingham 35215
- 45 **JEFFERSON**
Billy Gray 704 Lance Blvd., Birmingham 35206
- 46 **JEFFERSON**
Spencer Bachus 1122 22nd St., N., Birmingham 35234-2725
- 47 **JEFFERSON**
George G. Seibels, Jr. 4016 10th Ave., So., Birmingham 35222
- 48 **JEFFERSON**
Greg Beers 1504 Vendure Circle, Birmingham 35266
- 49 **JEFFERSON**
Jack Pratt 5424 Wesley Dr., Midfield 35228
- 50 **JEFFERSON**
Hugh Boles 1036 Normandale Circle, Hueytown 35020
- 51 **JEFFERSON**
Hoyt W. Trammell Rt. 15, Box 247, Birmingham 35224
- 52 **JEFFERSON**
John W. Rogers 1424 18th St., S.W., Birmingham 35211
- 53 **JEFFERSON**
Fred Horn 333 16th Ave., S.W., Birmingham 35204
- 54 **JEFFERSON**
George Perdue P. O. Box 2473, Birmingham 35201
- 55 **JEFFERSON**
Gary White 2826 S. 18th St., Homewood 35209
- 56 **JEFFERSON**
Bobbie Will Greene McDowell 2322 Dartmouth, Bessemer 35020
- 57 **JEFFERSON**
Chris McNair Rt. 4, Box 388, Bessemer 35020

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- 58 JEFFERSON
Pat Davis 9312 Sears Drive, Birmingham 35206
- 59 JEFFERSON
Lewis G. Spratt 3809 4th St. W., Birmingham 35207
- 60 JEFFERSON
Sundra E. Escott P. O. Box 8172, Birmingham 35218
- 61 TUSCALOOSA
Bryant Melton, Jr. 4129 20th Street, Tuscaloosa 35401
- 62 TUSCALOOSA
Phil Poole P. O. Box 609, Moundville 35474
- 63 TUSCALOOSA
Roy Johnson Rt. 4, Box 140, Tuscaloosa 35405
- 64 CONECUH, MONROE
J. E. (Jimmy) Warren P. O. Box 207, Castleberry 36432
- 65 CLARKE, WASHINGTON
Michael Onderdonk P. O. Drawer 130, Chatom 36518
- 66 CHOCTAW, CLARKE, MARENGO
Harrell Blakeney 1101 Old Hwy. 5 So., Thomasville 36784
- 67 CHOCTAW, GREENE, SUMTER
Lucius Black P. O. Box 284, York 36925
- 68 DALLAS, PERRY, HALE
Jenkins Bryant, Jr. Rt. 1, Box 126, Newbern 36765
- 69 DALLAS, LOWNDES, WILCOX
James Louis Thomas Rt. 2, Box 509, Hayneville 36040
- 70 DALLAS
W. F. "Noopie" Cosby, Jr. Dallas County Court House,
Selma 36701
- 71 AUTAUGA, CHILTON
Ed Grouby P. O. Box 188, Prattville 36067
- 72 BIBB, CHILTON
Curtis Smith P. O. Drawer 69, Clanton 35045
- 73 MONTGOMERY
Perry O. Hooper, Jr. 509 S. Court St., Montgomery 36104
- 74 MONTGOMERY
Bob McKee P. O. Box 424, Montgomery 36101
- 75 MONTGOMERY
John Starr, Jr. 2761 Forsyth Lane, Montgomery 36116
- 76 ELMORE, MONTGOMERY
Mike Mikell P. O. Box 993, Millbrook 36054
- 77 MONTGOMERY
John L. Buskey P. O. Box 6216, Montgomery 36106

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- 78 **MONTGOMERY**
Alvin Holmes P. O. Box 6064, Montgomery 36106
- 79 **LEE**
Pete Turnham Box 1592, Auburn 36830
- 80 **LEE**
John Rice P. O. Box 2432, Opelika 36801
- 81 **TALLAPOOSA**
Lester White 739 Freeman St., Dadeville 36853
- 82 **BULLOCK, MACON**
Thomas Reed P. O. Drawer EE, Tuskegee Institute 36088
- 83 **RUSSELL**
Charles Adams P. O. Box 967, Phenix City 36867
- 84 **BARBOUR, RUSSELL**
James S. (Jimmy) Clark P. O. Box 71, Eufaula 36027
- 85 **HENRY, HOUSTON**
George H. Grimsley Rt. 1, Columbia 36319
- 86 **HOUSTON**
Joe Carothers, Jr. Rt. 8, Box 33, Dothan 36301
- 87 **GENEVA, HOUSTON**
Nathan Mathis Rt. 1, Newton 36352
- 88 **DALE**
James G. Sasser P. O. Box 1279, Ozark 36361
- 89 **PIKE, DALE**
Steve Flowers P. O. Box 973, Troy 36081
- 90 **BUTLER, CRENSHAW**
Dwight Faulk Rt. 2, Box 90, Honoraville 36042
- 91 **COFFEE**
Jimmy W. Holley Rt. 3, Box 191E, Elba 36323
- 92 **COVINGTON**
Seth Hammett P. O. Drawer 1607, Andalusia 36420
- 93 **ESCAMBIA**
Frank P. "Skippy" White .. Rt. 1, Box 193-Pollard, Flomaton 36441
- 94 **BALDWIN**
Walter E. Penry, Jr. Rt. 2, Box 286, Daphne 36526
- 95 **BALDWIN**
Steve McMillan P. O. Box 337, Bay Minette 36507
- 96 **MOBILE**
Mike Box P. O. Box 216, Saraland 36571
- 97 **MOBILE**
Mary S. Zoghby 2862 Hilburn Drive, Mobile 36606
- 98 **MOBILE**
William "Bill" Clark 711 Atmore Ave., Prichard 36612

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 99 **MOBILE**
James E. Buskey 2207 Barretts Lane, Mobile 36617
- 100 **MOBILE**
Victor Gaston 864 West Parkwood Dr., Mobile 36608
- 101 **MOBILE**
Ken Kvalheim 421 Dogwood Dr., Mobile 36609
- 102 **MOBILE**
J. E. Turner P. O. Box 777, Citronelle 36522
- 103 **MOBILE**
Yvonne Kennedy 1205 Glennon Ave., Mobile 36603
- 104 **MOBILE**
Beth Marietta 204 S. Cedar St., Mobile 36602
- 105 **MOBILE**
Taylor Harper P. O. Box 229, Grand Bay 36541

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